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Report of the Committee on the Elimination of Discrimination against Women*

Eighteenth session

* The present document is the report of the Committee on the Elimination of Discrimination against Women on the work of its eighteenth session. The final report will be issued as *Official Records of the General Assembly, Fifty-third Session, Supplement No. 38* (A/53/38) and will include the report of the Committee on its nineteenth session (A/53/38 (Part II)).

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Letter of transmittal

6 February 1998

Sir,

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its eighteenth session from 19 January to 6 February 1998 at United Nations Headquarters. It adopted its report on the session at its 383rd meeting, on 6 February. The report of the Committee is herewith submitted to you for transmission to the General Assembly at its fifty-third session.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Salma **Khan**
Chairperson
Committee on the Elimination of
Discrimination against Women

Chapter I
Matters brought to the attention of States parties

A. Decisions*

Decision 18/I. Participation in pre-session working group

The Committee on the Elimination of Discrimination against Women decided that representatives of the specialized agencies and bodies of the United Nations, as well as national and international non-governmental organizations, should be invited to provide country-specific information to the pre-session working group on those States parties whose reports were before the group.

Decision 18/II. Specialized agencies and other United Nations bodies

The Committee on the Elimination of Discrimination against Women decided that representatives of the specialized agencies and bodies of the United Nations should be invited to address the Committee as a whole in a closed meeting on those States parties whose initial reports were before the Committee.

Decision 18/III. Consideration of reports

The Committee on the Elimination of Discrimination against Women reaffirmed its past practice that members of the Committee should refrain from participating in any aspect of the consideration of the reports of the States of which they were nationals in order to maintain the highest standards of impartiality, both in substances and appearance.

B. Suggestion*

Suggestion 18/I. Timing of pre-session working group

The Committee on the Elimination of Discrimination against Women proposed that the pre-session working group should meet at the end of the previous session. It proposed that the transition to this pattern of work should take place at its twentieth session, in January 1999.

Chapter II
Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women

1. On 6 February 1998, the closing date of the eighteenth session of the Committee on the Elimination of Discrimination against Women, there were 161 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981.

2. A list of States parties to the Convention will be contained in annex I to Part II of the 1998 report of the Committee (A/53/38 (Part II)).

B. Opening of the session

3. The Committee held its eighteenth session at United Nations Headquarters from 19 January to 6 February 1998. The Committee held 24 plenary meetings (360th to 383rd), and its two working groups each held 9 meetings.

4. The session was opened by the Chairperson of the Committee, Ms. Salma Khan (Bangladesh).

5. Addressing the Committee on behalf of the Secretary-General, the Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women noted that the progress achieved since the entry into force of the Convention should not be a cause for complacency. The Convention was still subject to a large number of reservations, and even though laws and policies to implement the Convention had been introduced, de facto implementation was still impeded by entrenched attitudes that were in contradistinction to the principles of the Convention. It was in bridging the gap between ratification and implementation that the Committee's work was crucial and the success of the Convention would be determined. Looking ahead, she would also welcome the views of members of the Committee on ways to encourage Member States that had not yet done so to ratify the Convention by

* For the discussion, see chap. V below.

the year 2000. That would meet one of the goals of the Platform for Action adopted by the Fourth World Conference on Women.

6. She stressed that, with the two annual sessions of the Committee, which would strengthen its visibility and allow greater opportunities for clear elaboration of the obligations of the Convention, the possibilities for full implementation were enhanced. High expectations had been created requiring renewed commitment from Committee members both during sessions and inter-sessionally.

7. The Special Adviser informed the Committee that the 10th meeting of States Parties to the Convention would be held on 17 February 1998, to elect 12 Committee members for a four-year term from 1 January 1999.

8. She informed the Committee that the United Nations High Commissioner for Human Rights would meet with the Committee on 4 February 1998 and that that meeting would provide an opportunity to discuss the anniversary of the fiftieth anniversary of the Universal Declaration of Human Rights and the strengthening of the goals and the work of the treaty bodies in respect of gender. She also reported that the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, had regretted her inability to attend the eighteenth session as planned, but that the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief would address the Committee on 28 January 1998.

9. The Special Adviser informed the Committee that, as a result of the implementation of the Secretary-General's reform proposals, the Division for the Advancement of Women was now part of a new department, the Department of Economic and Social Affairs, whose mandate was to focus on work in the area of normative, analytical and advisory services. It would also monitor, analyse and assess economic and social policies and trends from a global as well as a gender perspective.

10. The Special Adviser also informed the Committee about the expert group meetings which the Division had organized or co-hosted on the themes "Adolescent girls and their rights", "Gender-based persecution", "Women's enjoyment of economic and social rights" and "Caregiving for older persons - Gender dimensions", in preparation for the forty-second session of the Commission on the Status of Women.

11. She also informed the Committee that, in her capacity as Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, she had participated in a round table on the theme "Crimes of sexual violence", held at Arusha from 4 to 6 October 1997, and had led the United Nations Inter-agency Gender Mission to Afghanistan from 12 to 21 November 1997. In that connection, she noted that the women of Afghanistan were not alone in experiencing violations of their human rights and that women and girls around the world, particularly in conflict situations such as in Rwanda, Burundi and Algeria, were especially at risk. Strategies were needed to address such violations.

C. Attendance

12. Twenty-one members of the Committee attended the session. Ms. Desiree Bernard attended from 19 to 23 January, Ms. Silvia Cartwright from 19 to 23 January and 29 January to 6 February, Ms. Aída González from 22 January to 6 February, Ms. Ginko Sato from 2 to 6 February and Ms. Hanna Beate Schöpp-Schilling from 27 January to 6 February 1998. Not in attendance were Ms. Tendai Ruth Bare and Ms. Mervat Tallawy.

13. A list of the members of the Committee, together with an indication of the duration of their term of office, will appear in annex II to Part II of the 1998 report of the Committee (A/53/38 (Part II)).

D. Adoption of the agenda and organization of work

14. The Committee considered the provisional agenda and organization of work (CEDAW/C/1998/I/1 and Corr.1) at its 360th meeting, on 19 January 1998. The agenda as adopted was as follows:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the seventeenth and eighteenth sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.

6. Ways and means of expediting the work of the Committee.

7. Provisional agenda for the nineteenth session.

8. Adoption of the report of the Committee on its eighteenth session.

E. Report of the pre-session working group

15. The Committee had decided, at its ninth session,[1] to convene a pre-session working group for five days before each session to prepare lists of questions relating to second and subsequent periodic reports that would be considered by the Committee at the session.

16. The following four members, representing different regional groups, participated in the working group: Emna Aouij (Africa), Ivanka Corti (Europe), Yolanda Ferrer (Latin America and the Caribbean) and Sunaryati Hartono (Asia and the Pacific).

17. The Working Group prepared lists of issues and questions relating to the subsequent reports of four States parties, namely, Bulgaria, the Dominican Republic, Indonesia and Mexico.

18. At the 365th meeting, on 22 January 1998, the Chairperson of the pre-session working group introduced the report of the group (CEDAW/C/1998/I/CRP.1 and Add.1-4). She informed members that for the first time the pre-session working group had invited representatives of the specialized agencies to provide it with information with regard to the countries under review. The following participated: Office of the United Nations High Commissioner for Human Rights, United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Development Programme (UNDP), United Nations Development Fund for Women (UNIFEM), United Nations Population Fund (UNFPA), International Labour Organization (ILO) and United Nations Children's Fund (UNICEF). In the light of the information provided, the working group agreed to suggest to the Committee that this practice be adopted as a normal practice of pre-session working groups.

19. The Chairperson of the pre-session working group also informed the Committee that the group had invited representatives of national and international non-governmental organizations, on an experimental basis, to provide it with information with respect to the States parties under review. The Chairperson of the group indicated that the group was recommending that this practice also be adopted as a normal practice of pre-session working groups.

20. The Committee took note of the report of the pre-session working group and agreed that representatives of the specialized agencies and bodies of the United Nations, as well as national and international non-governmental organizations, should be invited to provide country-specific information to the pre-session working group on those States parties whose reports were before the group.

F. Composition and organization of work of the working groups

21. At its 360th meeting, on 19 January 1998, the Committee agreed on the composition of its two standing working groups: Working Group I, to consider ways and means of expediting the work of the Committee, and Working Group II, to consider ways and means of implementing article 21 of the Convention.

22. Working Group I was composed of the following members of the Committee: Ayse Feride Acar, Emna Aouij, Desiree Bernard, Silvia Cartwright, Ivanka Corti, Aurora Javate de Dios, Yolanda Ferrer Gómez, Aída González, Salma Khan, Yung-Chung Kim, Lin Shangzhen, Ahoua Ouedraogo, Anne Lise Ryel, Ginko Sato and Kongit Sinegiorgis.

23. Working Group II was composed of the following members of the Committee: Charlotte Abaka, Carlota Bustelo, Silvia Cartwright, Aurora Javate de Dios, Aída González, Sunaryati Hartono, Lin Shangzhen, Ahoua Ouedraogo and Carmel Shalev.

24. The specific issues addressed by Working Groups I and II were the following:

(a) *Working Group I.* Relations with the specialized agencies and other United Nations entities; the relationship between the Committee and the Special Rapporteur on violence against women, its causes and consequences, and other non-conventional human rights mechanisms of the United Nations; relevant issues considered at the eighth meeting of persons chairing the human rights treaty bodies, held at Geneva from 15 to 19 September 1997; the report on enhancing the long-term effectiveness of the United Nations human rights treaty body system, prepared by the independent expert, Mr. Philip Alston; recommendations made to the Committee by the Subcommission on the Prevention of Discrimination and Protection of Minorities and the relevant recommendations from expert group

[1] *Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38* and corrigendum (A/45/38 and Corr.1), paras. 28-31.

meetings convened by the Division for the Advancement of Women since the seventeenth session of the Committee; and promotion of the Convention and the work of the Committee through technical and advisory services and reports to be considered at the nineteenth, twentieth and twenty-first sessions of the Committee;

(b) *Working Group II.* Draft general recommendation on article 12 of the Convention on women and health and the contribution of the Committee to the fiftieth anniversary of the Universal Declaration of Human Rights in the form of a paper on reservations to the Convention.

Chapter III
Report of the chairperson on activities undertaken between the seventeenth and eighteenth sessions of the Committee

25. The Chairperson of the Committee welcomed members to the eighteenth session of the Committee. She noted that, since the last session of the Committee, Ms. Tendai Bare (Zimbabwe) had been appointed Director of the General Technical Services Division of the Commonwealth Secretariat in London and was submitting her resignation. She emphasized the valuable contribution that Ms. Bare had made to the work of the Committee.

26. She informed the Committee that she had participated in a number of United Nations-sponsored activities, including the Asia/Pacific Meeting on Universal Adherence to Principal Human Rights Instruments, held in Amman from 1 to 4 September 1997, which had been convened by the Office of the United Nations High Commissioner for Human Rights. The object of the meeting had been to encourage ratification of human rights instruments. She noted that 17 of the States that had participated in the meeting had not yet ratified the Convention on the Elimination of All Forms of Discrimination against Women. The meeting had offered a useful opportunity to identify obstacles to ratification and strategies to overcome them.

27. The Chairperson had attended the 8th meeting of persons chairing the human rights treaty bodies held at Geneva from 15 to 19 September 1997. She reported that the major item on the agenda of the meeting had been the report of the independent expert on "enhancing the long-term effectiveness of the United Nations human rights treaty system". The chairpersons had considered that it was both impractical and undesirable to create a single treaty body to monitor all the human rights conventions. They were of the view that each committee might seek ways to focus on a limited number of issues pertinent to each country to help reduce the length of periodic reports. The chairpersons had recommended that members of treaty bodies should refrain from participating in any aspect of the consideration of their country's report in order to maintain impartiality, both in substance and appearance, and that Governments should refrain from nominating persons for election to treaty bodies whose political or other functions may not be reconcilable with the obligations of independent experts. The chairpersons had invited the Division for the Advancement of Women to prepare an analysis of how gender was being integrated into the work of the United Nations treaty bodies for presentation at the next regular session of the meeting of chairpersons and had proposed holding a seminar to explore these issues.

28. The Chairperson also informed the Committee about the Copenhagen Seminar for Social Progress, held from 3 to 5 October 1997, the objective of which had been to follow up the 1996 World Summit for Social Development and determine the relationship between the process of economic integration and globalization and social conditions. From 14 to 16 October 1997, the Chairperson had also attended a regional workshop organized by the Middle East regional office of UNICEF in Beirut, which had examined ways to incorporate Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child into the curriculum of law schools in six Arab States. The concept of women's and children's rights in the Arab world had been discussed.

29. The Chairperson had attended the meetings of the Third Committee of the General Assembly from 19 to 23 October 1997. In her statement, she had highlighted the progress that had been made in the implementation of the Committee on the Elimination of Discrimination against Women and had called for further ratification and acceptance of the amendment of article 20 (1) relating to the Committee's meeting time.

30. The Chairperson informed the Committee that she had written to those countries that were not yet parties to the Convention, urging ratification by the year 2000. Moreover, she welcomed the fact that the Special Adviser on Gender Issues and Advancement of Women had written to those States parties which had not submitted their initial reports, urging their swift compliance with this obligation. She noted with appreciation that Mr. James Gustav Speth, Administrator of the United Nations Development Programme, had written to resident coordinators requesting

them to encourage Governments to ratify or comply with reporting obligations under the Convention and to assist where needed in the preparation of initial reports.

31. The Chairperson reported that she and three other members of the Committee had attended the Commonwealth Medical Association interregional round table on women's health convened in London on 15 and 16 November 1997. The round table, which had been preceded by a "day of dialogue" with non-governmental organizations involved in health and reproductive rights, had provided useful input to the Committee in its formulation of a general recommendation relating to article 12.

32. The Chairperson noted her concern about the situation of women and children in Algeria and that the initial report of that country was under preparation and would be considered by the Committee at one of its coming sessions.

33. She also expressed disappointment that the Special Rapporteur on violence against women, its causes and consequences, had been unable to attend the session as originally planned, but noted that the Special Rapporteur on religious intolerance would be meeting with the Committee, as would Mrs. Mary Robinson, United Nations High Commissioner for Human Rights. She thanked Ms. Cartwright and Ms. Shalev who had carried out major responsibilities on behalf of the Committee between the seventeenth and eighteenth sessions with regard to a paper on reservations and the general recommendation on women's health.

34. Finally, the Chairperson noted that, while there had been improvements in the functioning of treaty bodies, working methods of the Committee could be further improved and she welcomed any suggestions in that regard.

Chapter IV
Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

35. At its eighteenth session, the Committee considered the reports submitted by eight States parties under article 18 of the Convention: four initial reports; two combined second and third periodic reports; one combined second, third and fourth periodic report; and one combined third and fourth periodic report.

36. As decided at its thirteenth session, in 1994, the Committee prepared concluding comments on each report considered. The Committee's concluding comments on the reports of States parties, as prepared by the members of the Committee, and a summary of the introductory presentations by the representatives of the States parties are provided below. The summary records provide more detailed information on the Committee's consideration of the reports of the States parties.

B. Consideration of reports of States parties

1. Initial reports

Azerbaijan

37. The Committee considered the initial report of Azerbaijan (CEDAW/C/AZE/1) at its 361st, 362nd and 367th meetings on 20 and 23 January 1998 (see CEDAW/C/SR.361, 362 and 367).

38. The representative of the Government informed the Committee that 20 January is the Azeri national day to commemorate the victims of totalitarianism. The adoption by the Supreme Soviet of the Azerbaijani Republic of the Declaration on the Restoration of the State Independence of the Azerbaijani Republic, on 30 August 1991, and the Constitutional Act of State Independence, on 18 October 1991, formed part of the outcome of the struggle for independence.

39. The implementation of socio-economic and political reforms commenced upon independence, but, according to the representative of the Government, the situation in the country has been affected by the socio-economic crisis and Armenia's armed aggression, which has had an impact on the whole population. In addition, 85 per cent of the population remains below the poverty line. There is also a large population of refugees and displaced persons, including women and children.

40. In spite of those difficulties, the Government attaches great importance to the implementation of international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, to which the Government had acceded without any reservations in June 1995. The Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, and the follow-up implementation at the national level has also been important in the context of women's rights in Azerbaijan.

41. The initial report of Azerbaijan was prepared one year after its accession to the Convention during a period of economic difficulties, the occupation of 20 per cent of the territory of Azerbaijan and the existence of more than a million refugees and displaced persons. Those factors have had a negative effect on the implementation of the Convention.

42. The representative of Azerbaijan provided a comprehensive retrospective analysis of the changes in the situation of women in the country and paid tribute to the contributions of prominent women in that process.

43. A special State committee on women's issues has been established recently, and the Government is actively pursuing the policy of equal rights and equal opportunities. That approach forms the basis for interaction with non-governmental organizations.

44. The Committee was informed that the new Constitution, adopted in 1995, underscores the principle of equality of human rights of men and women. *De jure*, women enjoy full guarantees of human rights and freedom from discrimination. The difficult socio-economic situation, however, has resulted in a severe decline in the standard of living and an increase in the unemployment rate. This has resulted in widespread poverty among women and men. The high rates of infant and maternal mortality are also issues of great concern.

45. A large number of women in Azerbaijan have achieved a high level of education, and since 1996 the number of women seeking higher education has exceeded that of men. However, more women than men are unemployed, and there are fewer women than men at all levels of decision-making. Women constitute 12 per cent of all deputies in the Parliament and 20 per cent among managers in decision-making positions. Women in the labour market are usually concentrated in the fields of health care, social welfare, education and culture.

46. The Government of Azerbaijan is particularly concerned about the large number of refugees and displaced persons in the country, where women and children constitute the majority. Currently, the Government is implementing a wide set of measures aimed at the integration of refugee and displaced women into social and economic life.

47. The Government of Azerbaijan recognizes that much remains to be done in order to achieve full equality between women and men. In that regard, the Committee is assured of the willingness of the Government to continue to undertake all the necessary measures to implement the obligations of the Convention.

Concluding comments of the Committee

Introduction

48. The Committee expresses its appreciation to the Government of Azerbaijan for ratifying the Convention without reservations after the proclamation of its independence.

49. The Committee appreciates the submission of the report one year after ratification and welcomes the supplementary information given to it in an excellent oral presentation by a high-level delegation.

Factors and difficulties affecting the implementation of the Convention

50. The Committee recognizes that Azerbaijan is facing economic, social and political challenges as a result of its post-war condition, the high number of refugees and the transition to democracy and a market-oriented economy. In that connection, it notes that the State party is undergoing severe economic and social problems, which had a negative impact on the whole population, 85 per cent of which live below the poverty line. Such a situation affects women in particular, who constitute the majority of the population as well as the majority of refugees and displaced persons, and impedes full implementation of the Convention.

Positive aspects

51. The Committee expresses satisfaction at the fact that the Convention has been translated into Azeri and widely disseminated.

52. The Committee takes note of the willingness expressed by the State party's delegation to strengthen the national machinery for the advancement of women and to engage non-governmental organizations in the realization of the goals of the Platform for Action adopted by the Fourth World Conference on Women.

53. The Committee notes the high number of women involved in the professional and cultural life of the country and the relatively high percentage of women in the decision-making process.

54. The Committee welcomes information on the establishment, with the help of the United Nations Children's Fund (UNICEF), of six regional family-planning centres, which will provide a larger number of women and men with assistance in matters of reproductive health.

55. The Committee also welcomes information on the proposed establishment of a women's bank to provide loans and credits for small enterprises organized by women.

Areas of concern

56. The Committee is concerned by the fact that although the Constitution proclaims that men and women have equal rights and freedoms, there is no definition of discrimination in the Constitution or in the laws and no mechanisms to strengthen the prosecution of discriminatory practices against women.

57. The Committee is concerned that the Government of Azerbaijan has not yet put in place its plan for implementation of the Platform for Action.

58. The Committee is concerned that, although Azerbaijan is a secular State in which the provisions of the Convention should be relatively easy to implement, there is, as yet, insufficient governmental commitment to eliminating deeply rooted patriarchal attitudes and avoiding the danger of the insurgence of fundamentalist tendencies, which impedes the full implementation of the Convention, in particular the measures outlined in subparagraph (a) of article 5.

59. The Committee regrets that the role of national machinery has not yet been clearly identified so as to permit a consistent and comprehensive strategy for the full involvement of women in the development process of the country.

60. The Committee notes with concern discrepancies that still exist between *de jure* and de facto equality, particularly in the context of the implementation of articles 10 and 11 of the Convention, and the great number of highly educated women who are living below the poverty line.

61. The Committee is concerned by the fact that although women's rights, as set out in article 11 of the Convention, are guaranteed, there is a growing percentage of unemployment among women and that no measures have been introduced to address that situation.

62. The Committee expresses concern at the fact that paragraph 1 of article 4 of the Convention, which advocates the adoption of temporary special measures aimed at accelerating de facto equality between women and men, has not been used to eliminate the inequality between women and men, particularly in the context of the integration of women into politics and employment and with regard to assistance for displaced and refugee women.

63. The Committee is particularly worried about the high level of maternal, as well as infant mortality rates and the fact that there are insufficient resources for international emergency aid in that field.

64. The Committee is seriously concerned that insufficient efforts have been introduced to assess and combat violence against women, particularly in the light of the fact that socio-economic and physical hardships usually increase the incidence of violence, particularly in the domestic sphere.

65. The Committee expresses serious concern about the situation of women victims of prostitution and trafficking. The Committee is of the view that the content and the implementation of legislation to address those problems may be discriminatory and might not always respect the rights of victims or produce positive results. For example, the Committee notes that forced medical control of prostitutes, where such measures are not implemented with respect for clients, is discriminatory and might be counterproductive.

66. The Committee is alarmed by the widespread use of abortion as a basic means of family planning. It is also concerned about the general health situation of women, particularly in view of the spread of tuberculosis and other contagious diseases.

67. The Committee expresses concern regarding the situation of women in rural areas, in particular with regard to basic health protection and education, as well as social protection, as outlined in article 14 of the Convention.

68. While understanding the difficult economic situation and the difficulty of reaching durable solutions to the refugee problem, the Committee expresses its concern about the precarious material and psychological conditions of women refugees. It also notes that insufficient attention has been paid to refugee women, including through failure to seek the support of relevant international agencies.

Suggestions and recommendations

69. The Committee recommends that the Government take the steps necessary to ensure respect for, and the effective implementation of, the provisions contained in the Convention. In particular, it recommends that a definition of discrimination closely modelled on article 1 of the Convention be incorporated in the Constitution or relevant laws. It also recommends that the provisions of the Convention be reflected in legislation, in particular legislation concerning health, education and labour.

70. The Committee encourages the Government of Azerbaijan, through appropriate legislation, to identify the role of the national machinery for the advancement of women and to provide it with the necessary human and budgetary resources.

71. The Committee encourages the elaboration of a national plan of action for the implementation of the Platform for Action adopted in Beijing and suggests close cooperation with non-governmental organizations working

in the field of human rights and other representatives of civil society to enhance gender awareness and to promote the campaign to combat traditional stereotypes regarding the roles of women and men.

72. The Committee recommends that appropriate institutions consider the utility and necessity of affirmative action, in particular to encourage greater participation of women in decision-making bodies.

73. The Committee further recommends the elaboration of adequate family-planning programmes, with the help of the United Nations Population Fund, so as to avoid the use of abortion as a means of family planning and thereby diminish the risks of maternal mortality resulting from unsafe abortions.

74. The Committee recommends that the Government review the legislation relating to the exploitation and trafficking of women so as to eliminate the discriminatory content of such legislation.

75. The Committee recommends that refugee and migrant women be provided with adequate information to protect them from traffickers and others who seek to exploit women for the purposes of prostitution.

76. The Committee recommends that the Government make efforts, and support those initiated by non-governmental organizations, to assess the extent and prevalence of all forms of violence against women in Azerbaijan and to introduce programmes and measures to combat this problem.

77. The Committee recommends that the provisions of the Convention be widely publicized among the general public and, in particular, among teachers, social workers, law enforcement officials, prison staff, medical personnel, judges, lawyers and members of other professions who are concerned with the implementation of the Convention.

78. The Committee recommends the introduction of human rights education, including the Convention, in schools and universities.

79. The Committee requests the wide dissemination in Azerbaijan of the present concluding comments in order to make the people of Azerbaijan, and particularly its government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.

Croatia

80. The Committee considered the initial report of Croatia (CEDAW/C/CRO/1) at its 363rd, 364th and 368th meetings, on 21 and 23 January 1998 (see CEDAW/C/SR.363, 364 and 368).

81. The representative of Croatia indicated that her country had acceded to the Convention on the Elimination of All Forms of Discrimination against Women, without reservations, on 8 October 1991. The initial report covers the period up to 1994 and the next report will be a combined second and third report.

82. The representative informed the Committee that, at the time of submission of the initial report, peace is the priority in her country. However, she emphasizes that only through peace and the development of democracy will women be able to achieve advancement in all areas. Croatia has finally achieved a level of peace, stability and security that has enabled it to channel its activities towards social development and the promotion and protection of human rights. The advancement and empowerment of women in all areas of public life are essential for the full implementation of social justice in a democratic society.

83. The Commission for Equality of the Government of the Republic of Croatia was established in May 1996 and has drawn up the national policy for the promotion of equality, based on the Beijing Platform for Action, after consultation with women's non-governmental organizations. The policy was adopted by the Government in December 1997.

84. The national policy provides for specific measures to achieve particular goals in the areas of political decision-making, the economy and the economic position of women, health care, education, human rights of women and violence against women in war and peace.

85. Another representative informed the Committee of the implementation of the Convention in the area of justice. She noted that constitutional rights of Croatian women are protected by the ombudsperson and that both women and men are entitled to all legal remedies available through court proceedings. A new penal law has been introduced and its implementation began on 1 January 1998. She introduced statistics on acts of violence against women, rape in marriage, sexual harassment, prostitution (including international prostitution) and other criminal acts. Trends in such behaviour have instigated changes in the penal code. The representative noted, however, that both men and women may be perpetrators and victims of crime.

86. A number of legislative provisions provide special protection for the family and in particular for women in their

role as mothers and caregivers. Special rights are accorded to women and these are not regarded as discriminating against men, whose rights are also recognized. Parenthood is seen as a joint responsibility and this is reflected in legislation and by-laws.

87. Women are not allowed to work in jobs involving hard physical labour or underground or underwater labour, nor in any jobs classified detrimental to the life of women. Night work is prohibited by law unless it is approved under special circumstances and conditions. Employers are prohibited from requesting information on matters unrelated to employment issues, and this is a means of protecting pregnant women from discrimination in the workplace.

88. Minor changes to the law on health care have been introduced since the initial report. Health insurance and causes of hospitalization are described and it is noted that statistics on termination of pregnancy showed that abortions and miscarriages are at the lowest level ever.

89. The national policy on equality, which implements the Platform for Action adopted at Beijing, was adopted in December 1997. The policy was developed to promote equality and is a mandatory document, with Ministries and other authorities being obliged to carry out its provisions. The policy, which was developed in cooperation with non-governmental organizations and the Commission for Equality, consists of two parts, a survey of the existing situation and specific measures to address crucial areas.

90. The representative concluded her presentation by examining particular articles of the Convention and their implementation. She indicated that there is a high unemployment rate for women, although there are equal opportunities for women in education and employment.

Concluding comments of the Committee

Introduction

91. The Committee congratulates the Government of Croatia for ratifying the Convention without reservations and notes with satisfaction that the country's initial report followed the guidelines and presents comprehensive data on the situation of women in Croatia.

92. The Committee welcomes the excellent oral presentation of the Croatian delegation, which supplements and updates the written report. The Committee expresses its appreciation to the Government of Croatia for its high-level delegation, headed by the Deputy Minister for Labour and Social Welfare. This demonstrates the State party's commitment to the Convention and its appreciation of the work of the Committee.

93. The Committee further welcomes the extensive answers provided by the delegation to its questions. This reflects a sincere effort by Croatia to address the concerns raised by the Committee during the presentation of the State party's report.

Positive aspects

94. The Committee commends the Government on the fact that the Convention has been incorporated into the national laws of Croatia and may be invoked before the courts by any citizen.

95. The Committee welcomes the establishment of the Commission for Equality in Croatia. It also welcomes the national policy for the promotion of equality, which has been adopted to implement the Beijing Platform for Action. The Committee is pleased to be provided with copies of the national policy.

96. The Committee commends the efforts made by the Government of Croatia to cooperate with civil society and non-governmental organizations and its promise of further efforts to improve cooperation with non-governmental organizations in the future, particularly in view of the presence of highly competent and active women's non-governmental organizations in Croatia. The Committee welcomes the fact that the national policy envisaged cooperation with such organizations.

97. The Committee notes with satisfaction the delegation's oral responses, reflecting willingness to give further consideration to areas and concerns raises by the Committee. In this context, the Committee is very pleased to hear the Government's oral commitment to examine the following issues in the light of the Committee's suggestions:

(a) The need for measures to eliminate stereotypes that restrict women's role to that of mothers and caregivers;

(b) The need for measures to improve the participation of women in political life;

(c) The appointment of a deputy ombudsperson to deal specifically with women's rights;

(d) The need to improve public awareness about the Convention so that it may be used more frequently throughout the judicial system;

(e) The possibility of instituting a system of restraining orders, in particular to protect women subjected to domestic violence;

(f) The need to commence a dialogue and to coordinate efforts with trade unions on measures to protect women in the area of employment, in particular with respect

to illegal pressuring of women by employers in relation to pregnancy within a certain period after the commencement of employment;

(g) The need for increased assistance to family members, in particular women, taking care of the elderly;

(h) The need to collect more detailed information on the situation of rural women.

98. The Committee notes with great satisfaction the existence of programmes to assist women with special needs.

99. The Committee is pleased to be informed of the measures implemented to eradicate gender stereotypes within the education system. It is also pleased with the introduction of measures to introduce human rights education into schools.

100. The Committee is generally impressed by the health-care system in Croatia and by the Government's clear commitment to universal coverage.

Factors and difficulties affecting the implementation of the Convention

101. The Committee notes that Croatia faced significant economic and social difficulties as a consequence of the country's recent involvement in armed conflict. Repercussions include the presence of large numbers of refugees and displaced persons. The Committee also notes difficulties resulting from the transition to a market economy and a democratic political structure. The Committee observed that in the absence of gender-sensitive policies and measures to counteract negative effects, these changes may have a negative effect on women's enjoyment of their human rights, and impede the implementation of the Convention.

Principal subjects of concern

102. Despite some clarification during oral responses by the delegation, the Committee remains very concerned about the view expressed in the State party's report that women themselves bear full responsibility for their low level of participation in public life. This suggests that the Government lacked understanding of indirect and structural discrimination and its impact on women..

103. The Committee is particularly concerned about the consistent emphasis placed on women's roles as mothers and caregivers in Croatian legislation pertaining to a variety of areas. While legislative provisions protecting maternity are important, the Committee is concerned that prioritizing that aspect of women's lives reinforces traditional and stereotypical role expectations, which tend to limit women's full participation in society. The Committee comments that despite the fact that women in Croatia are well-educated and participate in the labour force in large numbers, a careful and gender-sensitive analysis of the emphasis on motherhood vis-à-vis women's roles in the public sphere is needed on the part of the Government to assure de facto gender equality in the Croatian society of the future.

104. The Committee expresses concern that data has not been collected in some areas. In particular, the Committee is concerned that minimal attention has been paid to the issue of women living in poverty and that no sex-disaggregated data are available on that topic. It is also concerned that no sex-disaggregated data have been collected on human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) and that no reliable data had been collected on teenage pregnancy.

105. The Committee expresses concern that in view of the complex ethnic and religious composition of the population of Croatia, the report does not include statistical information on the social, economic and political standing of minority women.

106. The Committee is disturbed to note the Government's view that there is no need to specify gender inequality every time the issue of equality is raised. The Committee is of the opinion that this might contribute to the concealment and perpetuation of, in particular, de facto inequality. It points out that, in order to increase the visibility of gender issues and to promote a gender-sensitive national agenda, it is crucial to incorporate gender in all discussions of equality.

107. While the Committee is reassured to be informed that acts of domestic violence are prosecuted by public attorneys at the request of the victims, it expresses concern with regard to the adequacy of measures to encourage women to come forward with complaints and about the fact that prosecution by public attorneys ex officio or upon the complaint of third parties is not incorporated in legislation on domestic violence.

108. The Committee expresses concern that there is evidence that church-related organizations adversely influence the Government's policies concerning women and thereby impede full implementation of the Convention.

109. In the area of health, the Committee is particularly concerned that services pertaining to women's reproductive health are the first to be affected as a result of the Government's financial constraints. It is also concerned about information regarding the refusal, by some hospitals, to provide abortions on the basis of conscientious objection

of doctors. The Committee considers this to be an infringement of women's reproductive rights.

Suggestions and recommendations

110. The Committee recommends that the Government of Croatia continue to implement and strengthen the measures it is taking to empower women and to mainstream gender issues. It encourages specific affirmative actions targeted to numerical goals and quotas, in particular in those areas such as political and decision-making positions in public life where women's de facto equality has not been improving at the desired pace.

111. The Committee urges the Government of Croatia to adhere to its oral statement of intention to give further consideration to the issues outlined in paragraph 97 above with a view to undertaking measures in response to the concerns of the Committee.

112. The Committee urges the Government of Croatia to take further measures to promote recognition of the variety of roles that women play in society. To that end, it suggests that it is crucial to educate the Croatian public with regard to the importance of an equitable distribution between women and men of family roles and "caring responsibilities".

113. The Committee recommends that the Government take advantage of existing bodies of knowledge relating to indirect and structural patterns of discrimination. It emphasizes that the Government, rather than women themselves, have primary responsibility for implementing strategies to eliminate these forms of discrimination.

114. The Committee requests that the Government of Croatia include more detailed information on the implementation of the provisions of article 6 of the Convention in future reports. The Committee requests that additional data be collected on the status of women involved in prostitution. The Committee would also appreciate more detailed information on the problem of trafficking in women, in particular migrant women, and the measures taken to implement legislation in this area.

115. The Committee recommends that the Government of Croatia collect and make available statistical information pertaining to the social, economic and political status of minority women with a view to developing specific policies to respond to the needs of different groups.

116. The Committee requests that more information be provided about the situation of women with disabilities in future reports.

117. The Committee strongly recommends that the Government take steps to secure the enjoyment by women of their reproductive rights by, *inter alia*, guaranteeing them access to abortion services in public hospitals. It is suggested that the Government examine fully the implications for women, in particular, of funding cuts for contraceptives and that it implement strategies to address any detrimental impact on women.

118. The Committee urges the Government of Croatia to take the necessary steps to incorporate the participation of non-governmental organizations in the preparation of the country's next report to the Committee.

119. The Committee requests wide dissemination in Croatia of the present concluding comments in order to make the people of Croatia, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.

Zimbabwe

120. The Committee considered the initial report of Zimbabwe (CEDAW/C/ZWE/1) at its 366th, 367th and 372nd meetings on 22 and 27 January 1998 (see CEDAW/C/SR.366, 367 and 372).

121. The representative of Zimbabwe expressed her Government's commitment to the full implementation of the Convention and the achievement of gender equality. Much progress has been made in that area, including the establishment of the National Machinery for the Advancement of Women and the Inter-Ministerial Committee on Human Rights. A national programme of action and vision 2020 has also been formulated, relevant legal provisions enacted and gender focal points appointed in all Ministries. Despite this, prevailing negative attitudes towards women and discriminatory customary laws and practices continue to contribute to the slow pace in advancing the status of women.

122. Non-governmental organizations and research organizations specializing in gender and development issues had been consulted during the preparation of the report and were also active in promoting gender equality.

123. The representative noted that the Constitution had been amended in 1997 and now explicitly prohibits discrimination based on gender and that other legal instruments, including

the Sex Discrimination Removal Act, also prohibit discrimination based on sex.

124. The Ministry of Community Development and Women's Affairs was established as the National Machinery for the Advancement of Women in 1981. Although the Ministry has since been dissolved, the National Machinery continues and gender focal points have been appointed in all Ministries.

125. The representative notes that an Inter-Ministerial Committee on Human Rights, which advises Government on human rights issues, has been established, and violations of human rights, including those relating to gender, can be investigated by the ombudsperson.

126. Court procedures to improve the experience of victims, including provisions to allow for the taking of evidence in a separate room, have been introduced. Violence against women remains a serious problem and gender-sensitivity training has been introduced for police and judicial officers.

127. Affirmative action measures, in particular in the areas of education, employment and political participation and decision-making, have been introduced, but sex role stereotypes continue to affect the attitudes of many Zimbabweans. In that regard, the Government has begun a programme to review school textbooks and is developing a curriculum on human rights to be taught at the primary and secondary levels.

128. The representative indicated that HIV/AIDS is a serious problem in Zimbabwe and that the pandemic has increased the burden on women. Rural women generally remain very disadvantaged compared with their urban counterparts.

129. The representative concluded by noting that the National Machinery for the Advancement of Women has drawn up a list of statutes that do not comply with the Convention. In addition, the Convention has been translated into two major local languages and disseminated widely in simplified form.

Concluding comments of the Committee

Introduction

130. The Committee congratulates the Government for ratifying the Convention without reservations. It welcomes the State party's initial report, which is comprehensive and frank in its analysis of obstacles to the implementation of the Convention. The Committee is also pleased to note that the report has been prepared in consultation with non-governmental organizations. Additional information provided by the oral presentation is also appreciated. The Committee welcomes the high-level delegation, which included the Minister of National Affairs, Employment Creation and Cooperatives.

Positive aspects

131. The Committee expresses its appreciation for the Government's strong commitment to advancing the status of women and commends it for establishing the National Machinery for the Advancement of Women after independence, as well as for assigning a gender focal point in each Ministry.

132. The Committee notes with satisfaction that the Constitution has been amended to prohibit any act of discrimination on the basis of sex.

133. The Committee commends the Government for translating the Convention into local languages in order to encourage its wider dissemination.

134. The Committee commends the Government of Zimbabwe for undertaking a number of initiatives, including the development of a National Gender Policy, to implement the Beijing Platform for Action.

135. The Committee notes with satisfaction the establishment of the Inter-Ministerial Committee on Human Rights and the strengthening of the office of the ombudsperson which can now investigate the police and security forces. These developments enhance the recognition of human rights and the enjoyment of these rights by women.

136. The Committee commends the Government for putting in place clear and relevant national policies for women, which are consistent with international agreements, particularly the Convention on the Elimination of All Forms of Discrimination against Women.

137. The Committee welcomes the introduction of gender-sensitive training for police officers and the establishment of "victim-friendly courts".

138. The Committee also commends the implementation of affirmative action measures with respect to education, employment and political participation, particularly in the rural councils.

Factors and difficulties affecting the implementation of the Convention

139. The Committee notes with great concern that, although the national laws guaranteed the equal status of women, the continued existence of and adherence to customary laws

perpetuated discrimination against women, particularly in the context of the family. The Committee notes with dissatisfaction that prevailing traditional and socio-cultural attitudes towards women contribute to the perpetuation of negative images of women, which impedes their emancipation.

140. The Committee notes with concern the negative impact of the structural adjustment programmes, especially in the areas of education, health and employment.

Principal areas of concern

141. The Committee expresses concern that discriminatory traditional practices, such as *lobola*, polygamy and female genital mutilation, are still accepted. Although the Constitution criminalizes any act of discrimination on the ground of sex and, furthermore, the practice of *lobola* has been made illegal, tradition and customary law still ensures continued discrimination.

142. The Committee notes with concern that much of the violence against women, especially in society and in the domestic sphere, is not recognized by law. Violence against women is a serious violation of women's human rights. In addition, there is not enough support provided by the Government to help victims of violence, such as rehabilitation programmes and temporary shelters.

143. The Committee expresses concern that the Ministry of National Affairs, Employment Creation and Cooperation, as the National Machinery for the Advancement of Women, has no real power or responsibility to initiate and implement policy measures to eliminate discrimination against women.

144. While the Committee agrees with the effectiveness of having gender focal points in all Ministries, the Committee is concerned about the absence of a functional central coordinating body with a regular budget.

145. The Committee is concerned at the low level of women's participation at the decision-making level.

146. The Committee notes with dissatisfaction that prostitutes are criminalized by law while their clients go unpunished. The Committee notes with concern that poor women, migrant women and women from other marginalized sectors are particularly vulnerable and often turn to prostitution as a means of survival. The Committee notes with concern the absence of data and programmes for women in prostitution, suggesting that the Government has not adequately addressed article 6 of the Convention.

147. The Committee is deeply concerned about the effect of the HIV/AIDS pandemic and the very high rate of infection among young women, who comprise 84 per cent of those infected in the 15 to 19 year age group and 55 per cent of the 20 to 29 year age group. The Committee notes that this is of particular concern given the risks of transmission to infants through childbirth and breastfeeding.

148. The Committee is also concerned about reports relating to the refusal of some health-care providers to give family planning services to sexually active adolescents, despite there being no legal restrictions in this regard.

149. The Committee expresses concern that women in rural areas often suffer more as a result of prevailing negative attitudes and discriminatory traditional practices. Furthermore, women in rural areas often work longer hours than any other group.

150. The Committee is concerned at the lack of support systems to enable pregnant teenagers to continue their schooling. The Committee also notes with dissatisfaction that there are no detailed statistics available on teenage pregnancy.

Suggestions and recommendations

151. The Committee urges the Government to take a more proactive role by introducing concrete measures to abolish all discriminatory customs and practices.

152. The Committee urges the Government to review the functions of the National Machinery with a view to providing it with the authority and financial resources to initiate and implement policy programmes to eliminate discrimination against women. The National Machinery should also act as a coordinating body for all the gender focal points of the ministries. A public awareness-raising campaign for gender equality should be organized by the National Machinery targeting both women and men. A campaign to promote positive images of women should also be organized, involving the mass media.

153. The Committee suggests that gender-sensitive training should be extended to all sectors, including health-care workers.

154. The Committee further recommends that the President and Government Ministers be briefed regularly on the progress in implementation of the Convention and the Beijing Platform for Action. It recommends that measures be taken to ensure that the President and the Ministers are accountable for gender-mainstreaming within their respective departments.

155. The Committee recommends the adoption of temporary special measures of affirmative action to promote the status of women in all spheres of society.

156. The Committee suggests that the Government extend the function of the office of the ombudsperson to allow it to address complaints about gender discrimination in the private sphere and the private sector.

157. The Committee recommends the codification of family and customary laws, incorporating only those customary laws and practices that promote gender equality and the empowerment of women.

158. The strongly recommends that the Government adequately address article 6 of the Convention by putting in place socio-economic programmes that will assist women living by prostitution. The Committee urges the Government to document systematically the prevalence of prostitution so as to enable it to develop assistance programmes in this regard.

159. Noting that illegal abortion is cited by the Government as a major cause of death for women in Zimbabwe, the Committee recommends that the Government reappraise the law on abortion with a view to its liberalization and decriminalization.

160. The Committee urges the Government to increase its efforts to combat the HIV/AIDS pandemic and to ensure that appropriate sexual and reproductive health information, education and services are provided to all women and, in particular, to adolescents.

161. The Committee suggests that the Government provide sex education and practical family planning to both youth and adults.

162. The Committee requested more detailed data and adequate information on all forms of violence against women, prostitution, and trafficking in women in the next report.

163. The Committee requests detailed data and adequate information on teenage pregnancy and the ability of young mothers to continue their education in the next report.

164. The Committee encourages the Government of Zimbabwe to continue its efforts to implement the Beijing Platform for Action. It also recommends the establishment of a functional central coordinating body with a regular budget to accelerate implementation of Government gender policies and programmes.

165. The Committee requests the Government to utilize the Committee's general recommendations in order to plan measures to advance the status of women and to implement the measures more effectively.

166. The Committee requests the wide dissemination in Zimbabwe of the present concluding comments in order to make the people of Zimbabwe, and particularly its government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.

Czech Republic

167. The Committee considered the initial report of the Czech Republic (CEDAW/C/CZE/1) at its 370th and 371st meetings, on 26 January 1998, and at its 373rd meeting on 27 January 1998 (see CEDAW/C/SR.370, 371 and 373).

168. In introducing the report, the representative of the Czech Republic indicated that more than two years had elapsed since her country's initial report had been submitted and, consequently, her statement would focus on important changes in protecting women's rights as individuals.

169. The representative referred to the ratification of a number of International Labour Organization (ILO) instruments, including ILO Conventions 89, 100 and 101. She also cited several legislative reform measures that had been taken, including amendments to the Employment Act (1/1991); Act on Wages (1/1992); Act on Salaries (143/1992); and Act on Pension Insurance (155/1995). The representative then briefed the Committee on the differential entitlements in retirement pensions between women and men, and among women based upon the number of children.

170. Although no fundamental changes in health or social insurance had occurred since 1994, certain health insurance benefits had been transferred to the State social allowance system in 1995, with the goal of unifying State social allowances and benefits and thus providing support under a single system to families with children.

171. Recent changes had led to the development of civil society, including women's organizations, resulting in activities, conferences and workshops that addressed specific women's issues, such as domestic violence, violence against women in general and women victims of criminal acts.

172. The representative then briefed the Committee on specific programmes for women related to education and vocational training and described some of the socio-

economic factors that significantly influence women's position in society and in the labour market. She also noted the importance of kindergartens and their linkage with the rate of female employment.

173. The representative indicated that Decree No. 261/97 specified explicitly jobs and workplaces which are prohibited for all women, pregnant women, mothers until the end of the nine months after childbirth and youth, respectively. She also referred to draft legislation that specified conditions for occupational health and safety.

174. The representative cited a number of women's health programmes and projects, including those related to HIV/AIDS, which focused primarily on the reproductive health of women.

175. The representative stated that prostitution, although not considered a criminal offence, was a growing problem, which was primarily attributed to illegal migration. She also expressed concern that organized prostitution continues to be a lucrative source of money for criminal gangs. A number of measures have been adopted by the Czech Republic to fight prostitution, including the creation of a special unit for detecting organized crime.

176. The representative referred to the foundations of the Czech legal system, which protect women's rights, focusing on individual citizens, based upon the principle of uniform, general and equal protection of both men and women.

177. In concluding her presentation, the representative of the Czech Republic indicated that she looked forward to the Committee's questions so that she could provide a complete and objective picture of women in the Czech Republic.

Concluding comments of the Committee

Introduction

178. The Committee compliments the Government of the Czech Republic for exhibiting a clear commitment to the promotion of the human rights of its citizens since the independence of the country and for ratifying the Convention without reservations. It is also pleased to note the positive spirit in which its comments and suggestions has been received by the delegation of the Czech Republic.

179. The additional and updated information presented in the oral report of the representative of the Czech Republic is welcomed by the Committee, as an aid to its understanding of the conditions of women and the extent of the implementation of the Convention in the Czech Republic.

Positive aspects

180. The Committee is particularly satisfied at the information included in the oral report of the delegation about the very creation of an inter-ministerial coordinating body within the Ministry of Labour and Social Affairs. Similarly, the reported effort to draft a National Plan on the basis of the Beijing Platform for Action by a commission on the status of women is especially welcomed by the Committee.

181. The Committee notes that there have been significant gains in the status of women in the Czech Republic, particularly with regard to education and participation in economic life, as well as social support services, such as child care.

182. The Committee is also happy to note the high standards of health coverage in general, and for maternal health in particular, that exist throughout the Czech Republic. In this context, it is especially gratified to note the exceptionally low infant and perinatal mortality rates attained by the Czech Republic.

183. The Committee is pleased to note that the legal system of the Czech Republic gives supremacy to international treaties over domestic legislation and that numerous equality provisions can be found in the Constitution, the Charter of Fundamental Rights and Freedoms and in several other codes.

Factors and difficulties affecting the implementation of the Convention

184. The Committee observes that the report of the Czech Republic and its oral introduction to the Committee reflect an overarching tendency on the part of the Government to conceive of women as mothers and within the context of the family, rather than as individuals and independent actors in the public sphere. The Committee considers that such a perception is a major obstacle to the implementation of the Convention because it reflects a fundamental misunderstanding of such critical concepts as gender roles, indirect discrimination and de facto inequality.

185. The Committee is distressed to note that, while the Government is eager to improve the living conditions of women in the Czech Republic, the structural and cultural causes of gender inequality are not fully appreciated by the Government. Having emerged from the restrictions of a totalitarian State, where full employment of women and institutional caretaking of children has been emphasized, the Czech Republic's current policies directed at women and family overemphasize motherhood and family roles for

women. The Committee considers the absence of special measures to elevate women's status, save those pertaining to the protection of pregnancy and motherhood, to be a major constraint to the full implementation of the Convention.

Principal subjects of concern

186. The Committee notes with concern that Czech law does not provide a clear definition of discrimination and/or address de facto inequalities between women and men.

187. Though the creation of an intra-ministerial coordinating unit on women's issues within the Ministry of Labour and Social Affairs is welcomed, the Committee considers that such a body cannot be viewed as a sufficient national machinery. The Committee views the absence of a national machinery with adequate resources and personnel as a severe constraint to the implementation of the Convention and the Beijing Platform for Action.

188. The Committee is very concerned about women's inadequate and declining representation in decision-making positions in the political and economic spheres and at the Government's apparent lack of attention to this phenomenon. This is reflected in the absence of any special temporary measures to remedy the situation, as well as the lack of Government willingness to consider any such measures.

189. The decline in the number of women's non-governmental organizations since the early days of the Czech Republic's establishment is also noted with concern by the Committee. The Committee considers the existence of an active civil society, in which a wide range of views and attitudes on gender equality find expression, to be highly beneficial for the promotion of equality between women and men. It also encourages Government cooperation with non-governmental organizations representing different women's interests and perspectives in the implementation and monitoring of the provisions of the Convention.

190. The Committee notes with particular concern the absence of special legislation on violence against women and is alarmed by the Government's perception that there is no need for such legislation. The Committee considers the absence of data on the extent and prevalence of such violence in the Czech Republic to be a critical deficiency. It also expresses concern about the lack of information on any preventive measures and/or programmes to support victims of violence, raise public awareness of the issue and sensitize health professionals and law-enforcement personnel on the topic.

191. The Committee notes with concern the lack of measures and programmes to promote a positive image of women as actors in all areas at all levels of public life and to encourage equal sharing of family responsibilities by men in the media.

192. The Committee notes with concern that, in the Czech Republic, prostitution and trafficking in women are approached exclusively in the context of combating organized crime. These crimes are closely related to economic transition and socio-political changes. The Committee acknowledges the adverse effects of such developments as rising unemployment and increasing poverty as factors contributing to prostitution and trafficking in women.

193. The Committee views the Czech Republic's policy of creating "household management" schools, which, although not formally sex segregated, basically cater to female students and train them for traditional stereotypical roles, as promoting gender stereotyping. The same applies with regard to the practice of some schools admitting only boys because of their "different physical abilities". In stressing the importance of encouraging girls and boys to choose non-traditional fields of study in order to eliminate discrimination against women, the Committee expresses its heightened concern about such schools.

194. The Committee notes with concern that the Government appeared reluctant to direct girls to scientific and technological fields of study.

195. The Committee is very concerned about the prevailing wage disparities between women and men and the segregation of women in low-paying and low skilled work, which had been one of the results of privatization and economic rationalization.

196. The Committee also notes with concern the increase in over-protective measures for pregnancy and motherhood, as well as early retirement policies for women. It also noted that the cultural glorification of women's family roles could exacerbate the negative impact of economic rationalization policies on women.

197. The Committee is very disturbed about the high rate of induced abortions in the Czech Republic, particularly in the face of the wide availability of contraceptives. It is further dissatisfied to learn about the lack of information and training of health professionals with regard to contraceptives. Owing to the partial nature of the information provided in the oral report, the Committee is not entirely satisfied with the information provided on women's general health in the Czech Republic.

198. The Committee is especially disappointed not to have received answers to its questions on the implementation of

the provisions of articles 7, 8 and 16 of the Convention in the Czech Republic's oral responses. In particular, the very high divorce rate that prevails in the country, its causes, as well as the legal status of protection, if any, accorded to women in de facto unions are of special concern to the Committee.

Suggestions and recommendations

199. The Committee recommends that a definition of discrimination modelled on article 1 of the Convention be incorporated in the Constitution and other relevant laws.

200. The Committee recommends that the Government of the Czech Republic give impetus to the establishment of an adequately resourced national machinery with a clear mandate to implement, coordinate and monitor the provisions of the Convention. It further recommends that, as a future member of the European Union, the Czech Republic draw upon the experiences of the European Union countries, make efforts to get assistance from such countries as it designs machinery, and review its legislation and policies in the area of discrimination against women.

201. The Committee urges the Government of the Czech Republic to review its perspective on special temporary measures in the area of women's political and economic participation in leadership positions. In this context, it recommends instituting numerical goals and targets, as well as a plan of action with timetables to boost women's participation in these areas.

202. The Committee also urges the enactment of a special law and introduction of policies to combat all forms of violence against women, together with promotion of education and media programmes sensitizing the public on this issue. In addition, it recommends introduction of training for the judiciary, law enforcement officers, lawyers, health professionals and others whose work is relevant in the context of violence against women. The Committee strongly recommends that the Czech Republic initiate comprehensive research to assess the extent and nature of violence against women in the country.

203. The Committee recommends a comprehensive study and analysis of the effects of the economic and socio-political transition of the country on women. It is necessary to carry out such a study from a gender perspective to determine the differential impact of the transition on women and men and to determine the differential policies that are required.

204. The Committee strongly recommends the formulation and implementation of effective policies to combat prostitution and trafficking of women. The Committee suggests that measures to combat these crimes require not only services to victims and sanctions for perpetrators, but the design and implementation of comprehensive national social and economic policies to create new opportunities for women. It therefore recommends that the Government take effective action to combat feminization of poverty and to improve the economic situation of women in order to prevent trafficking and prostitution.

205. The Committee urges the Government to launch specific training programmes to educate health professionals, as well as mass campaigns to inform the public on the use of contraceptives and misuse of induced abortions as a means of family planning.

206. The Committee strongly stresses the need to promote the image of women as individuals and independent actors in the public sphere and recommends that the Government launch comprehensive, systematic, goal-oriented efforts to balance the existing positive emphasis placed on women's role in the private sphere in laws, policy measures and governmental attitudes, with an equal emphasis on their public sphere functions. In this regard, the Committee also recommends that the Government encourage men, through public media campaigns, school curricula and special temporary measures, such as effective use of paternity leave, to share family responsibilities equally with women.

207. The Committee requests the wide dissemination in the Czech Republic of the present concluding comments in order to make the people of the Czech Republic, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.

2. Combined second and third periodic reports

Bulgaria

208. The Committee considered the combined second and third periodic reports of Bulgaria (CEDAW/C/BGR/2-3) at its 373rd and 374th meetings, on 28 January 1998 (see CEDAW/C/SR.373 and 374).

209. The combined reports covered the period up to 3 November 1994 and were supplemented by a document

containing additional information to update the information contained in the written reports and the core document providing information about political, legal and social structures in Bulgaria.

210. In her statement, the representative drew attention to the fact that, since Bulgaria's initial report in 1985, the country had commenced a process of radical political and economic transformation. A new constitution had been adopted in 1991. The representative pointed to a number of difficulties the country had faced during the transition period, including the fact that there had been seven different Governments in power since 1990. Economic conditions had also been severe. However, the Committee was informed that a more favourable economic position was emerging as evidenced by improved foreign investment and a forecast of modest growth in gross domestic product (GDP) in the first half of 1998.

211. The representative acknowledged that Bulgarian society had been inherited from the communist era where there was *de jure*, but not de facto equality for women. She expressed the Government's commitment to taking further measures to improve the de facto situation of women in line with the Convention. She referred to the fact that, in May 1992, Bulgaria withdrew its reservation on paragraph 1 of article 29 of the Convention concerning the jurisdiction of the International Court of Justice. She also outlined steps taken by the Government of Bulgaria to translate and disseminate the Convention widely throughout the country. The representative stated the Government's position that equality between women and men was a *conditio sine qua non* of democracy.

212. The representative pointed out that article 6 of the constitution of Bulgaria guaranteed equality and non-discrimination. In addition, the Committee was informed that, although there are no special laws on human rights and gender equality, article 5 of the constitution provided for the incorporation of international treaties to which the Republic of Bulgaria was a party into domestic law.

213. The representative cited statistics demonstrating that infant mortality in Bulgaria had decreased substantially since the years from 1970 to 1980. She referred to the substantial increase in the number of births outside of wedlock in Bulgaria and reported that the Government saw this as a reflection of more flexible choices of family partnerships for women than previously.

214. The representative outlined some measures that had been adopted to improve the situation of Roma children, in particular with regard to education. Several reports had been prepared relating to the Roma minority and various consultations carried out with the specialized agencies on the issue. The situation of the Roma minority had been raised during the consideration of Bulgaria's proposed membership of the European Union and further measures would be implemented in cooperation with the Union.

215. The Committee was informed of the measures taken by the Government of Bulgaria to implement the Beijing Declaration and Platform for Action. Immediately after the Fourth World Conference on Women, an intergovernmental commission had been established. In cooperation with women's non-governmental organizations, the commission produced a national action plan. This was adopted by the Council of Ministers in July 1996 and a decision was reached to establish a permanent intergovernmental council to monitor its application. At present, the Ministry for Foreign Affairs served as the focal point for the commission.

216. The representative referred to the Government's proposal to appoint an ombudsperson who could be entrusted with the role of monitoring women's human rights and gender equality. A draft law was in the process of preparation and two seminars to discuss the proposal had been planned for 1998.

217. The representative reported that some very favourable advances had been made regarding the participation of women in decision-making and political life. In some Ministries, the number of women significantly exceeded the number of men. The situation was similar in the judiciary.

218. The representative referred to the problem of unemployment for women and noted that cases of discrimination against women were still evident, with some employers preferring to fill vacancies with men or with very young women who had no family responsibilities. It was acknowledged that women were more affected by unemployment than men.

219. The representative stated that the reduction of crime had been, and continued to be, a main priority for the Government. In particular, she referred to measures taken to strengthen provisions against the illicit trafficking in persons and emphasized the Government's commitment to strengthen international and regional cooperation on the issue.

220. The Committee was informed that, while domestic violence resulting in severe, medium and slight physical injury was regarded as a criminal offence, proceedings could only be commenced upon the complaint of the victim. The representative acknowledged that domestic violence in Bulgaria was still not seen as a human rights abuse and that more awareness-raising campaigns were needed. The

Parliament was at present considering draft legislation that would criminalize domestic violence against children, including girls.

221. The representative concluded by indicating that the Government was committed to the implementation of the Convention and looked forward to the Committee's recommendations in that regard.

Concluding comments of the Committee

222. The Committee notes with appreciation the combined second and third periodic reports of Bulgaria. The Committee is pleased that an effort has been made to update the information and to respond to the questions posed by the pre-session working group.

223. The Committee welcomes the high-level delegation headed by the Deputy Minister for Foreign Affairs.

224. The Committee appreciates the efforts made to respond to the questions posed by the experts during the oral presentation. The delegation is able to provide some valuable information within a very short time, which significantly assists the Committee's understanding of the situation faced by women in Bulgaria. However, the Committee notes that the delegation has failed to address many of the questions transmitted to the Government of Bulgaria by the pre-session working group and that some of those posed are not addressed in depth. In addition, many of the questions that have been raised by members of the Committee during the delegation's oral presentation have not been responded to. The Committee appreciates the time constraints imposed, but nonetheless requests that all those questions be answered in the next report.

Positive aspects

225. The Committee commends Bulgaria for withdrawing its reservation to article 29 of the Convention.

226. The Committee notes that the Bulgarian constitution enshrines formal equality between women and men.

227. The Committee notes the willingness of the Bulgarian Government, expressed in frequent oral statements, to improve, in accordance with the Convention, the de facto and *de jure* situation of women in Bulgaria, who currently carry a disproportionate share of the burden associated with the radical political and economic changes in the country.

228. The Committee notes with great pleasure the changes implemented in Bulgaria in recent years that have brought about respect for human rights and fundamental freedoms. In particular, the Committee welcomes the Government's recognition that democracy will not be achieved without the full and equal participation of women in decision-making and all other areas of life.

229. The Committee welcomes the Government's proposed establishment of ombudsperson for human rights who will also monitor women's rights and equality issues. The Committee notes with satisfaction the delegate's comments recognizing the importance of ensuring that the ombudsperson has adequate resources and is given a clear mandate to address gender issues.

230. The Committee commends Bulgaria on the adoption of a national action plan to implement the Beijing Declaration and Platform for Action. The Committee is also pleased that efforts have been made to establish a body to monitor the implementation of the plan, namely the intergovernmental commission. The comments of the delegate that an appropriate place will soon be found for the commission during the ongoing process of administrative reform are noted and the Committee looks forward to the provision of further information on that point in the State party's next report.

Factors and difficulties affecting the implementation of the Convention

231. The Committee notes the difficult economic and political process Bulgaria is undergoing in its transformation to democracy and a market-oriented society.

232. The Committee considers that previous ideological positions, including the former insistence on formal or *de jure* equality, now tends to impede a proper understanding of the complex issue of discrimination, such as structural and indirect discrimination, which further compounds the situation of the de facto inequality of women.

233. The Committee considers that the persistence of the emphasis on women's role as mothers, together with the extensive protection provided to women as mothers, tend to perpetuate sex role stereotypes and reduce the father's role and responsibility in the upbringing of the children. This makes it difficult for the Government to promote new concepts of men's and women's roles without appearing to interfere, once again, with individual choices and desires.

Principal subjects of concern

234. The Committee notes with concern that the Government of Bulgaria apparently lacks an understanding of paragraph 1 of article 4 of the Convention. As embodied in the Convention, special, temporary measures or affirmative action means the establishment of programmes

that advantage women more than men. They require undermining formal equality for a certain period of time in order to achieve de facto equality in the long term. The reference by the representative of the Government of Bulgaria to earlier retirement age for women than men is not regarded as a measure of affirmative action.

235. While welcoming the establishment of a commission to monitor the implementation of the national action plan, the Committee notes the prevalence of women in the Department of Foreign Affairs and agrees that it is commendable to seek the involvement of women in the Commission. However, the Committee feels that a failure to house the commission within an appropriate framework in the governmental structure may impair the implementation of the Convention.

236. While the Committee notes the fact that the Bulgarian constitution contains the principle of equality between women and men, it is concerned that the constitution does not contain a definition of discrimination modelled on article 1 of the Convention.

237. The Committee is concerned that the Government of Bulgaria has not taken any steps to translate the provisions of the Convention into national legislation.

238. The Committee is concerned that there are no special laws aimed at bringing about women's de facto as well as *de jure* equality and that the Government has not demonstrated a commitment to introduce special, temporary measures in the near future.

239. The Committee notes that the reports do not reflect any government strategy regarding a national machinery to address women's issues and to implement the Convention. It is concerned that valuable time has been lost in establishing such a machinery and integrating a gender dimension into all policies, which the Committee deems especially important during times of radical societal and economic change. Information provided in the oral presentation about the establishment of an intergovernmental commission to coordinate the national action plan on women's issues provides some clarification, although the goals of the national action plan, its timetable and the resources committed to its implementation remain unclear. The Committee remains concerned that currently there appears to be no strong national machinery.

240. The Committee is particularly alarmed by the overwhelming number of people living below the poverty line in Bulgaria, which the delegation states to be approximately 80 per cent. This is of concern, as women, and particularly elderly women, are most likely to be adversely affected by poverty.

241. The Committee is very concerned that large numbers of highly educated women in Bulgaria are excluded from decision-making processes and hence their skills are not fully harnessed for the development of the country.

242. The Committee identifies the problem of violence against women in Bulgaria, both in the public and private spheres, as one of its dominant concerns.Some information has been provided in response to the questions of the pre-session working group, but the Committee questions whether the Government's responsibility (flowing from the ratification of the Convention and in accordance with the Committee's General Recommendation 19) for taking measures to address the problem at all levels are fully acknowledged. The Committee expresses concern at the fact that legal proceedings for domestic violence may only be initiated upon the complaint of the victim.

243. Although some information is provided about measures to combat trafficking in women, the Committee remains concerned about the adequacy of the response so far. The Committee is concerned about the extent of the problem, regarding both Bulgarian women who are led into prostitution in other European countries by organized crime, as well as women from other countries who have fallen into prostitution in Bulgaria. The Committee notes the Government's undertaking to give priority to international cooperation on this issue and looks forward to information about the progress achieved in the State party's next report.

244. The Committee is very concerned about the unemployment rate for women in Bulgaria. It is also concerned about the fact that the Government provides contradictory information on whether women's unemployment is higher than that of men. It is clear, however, that, despite their high level of education, unemployment amongst Bulgarian women warrants the serious attention and efforts of the Bulgarian Government.

245. Although the delegation describes some measures that have been taken to improve the situation of Roma children, the Committee is concerned about the very high rate of non-participation of those children in schools. The need to provide incentives for children to stay in school and to educate their parents as to the importance of continued schooling is emphasized.

246. The reports describe an extremely high rate of induced abortion among women, in particular young women, in Bulgaria. The Committee expresses alarm that abortion appears to be used as a method of family planning. Although

the delegation provides some additional information in its oral presentation, the Committee remains concerned about the measures taken to ensure that women have proper access to contraceptives. The Committee is also confused about the causes of the rising rate of out-of-wedlock births and requests further information on that point. The Committee is also concerned that the Government does not have data disaggregated by sex, on drug dependency and venereal disease, including HIV/AIDS.

247. The Committee believes it has been provided with inadequate information on the situation of rural women and the extent to which they have benefited from agrarian and other types of reform in the rural sector.

248. The Committee expresses concern that information has not been provided on the social, economic and political status of women of different ethnic and religious minorities in Bulgaria.

249. The Committee requests the Government of Bulgaria to address in its next report all the questions raised by members of the pre-session working group, as well as all the questions raised by members of the Committee during the oral presentation which have not been answered. In addition, the Committee requests that particular attention should be paid to and detailed descriptions provided of measures to change the prevailing attitudes and policies with regard to women's role in the home, to remove stereotypes from school books and from other facets of the education system, so as to overcome the legal, economic and social problems of female heads of households with children, to combat all forms of discrimination against women in employment and to improve women's access to free legal aid and the standard of living of rural women.

250. The Committee urges the Government to introduce a definition of discrimination modelled on article 1 of the Convention into its constitution and other relevant laws.

251. The Committee recommends that, despite the economic difficulties associated with transition, the Government give priority to the establishment of a strong and effective national machinery with adequate financial and human resources for advancing the position of women in Bulgaria. Special attention should be given to where this machinery should be placed within the Government structure to make it as effective as possible. The Committee notes that countries undergoing transition have a unique political opportunity to improve the situation of women as an integral part of the successful transition to democracy and a free market economy. They can thereby avoid the entrenchment of structural discrimination and the need for further fundamental changes in the future.

252. The Committee recommends that, as the Government embarks upon the procedure of setting up an appropriate national machinery for the promotion of women's rights, recourse be had to the experience of other European Governments that have been through the same procedure in the past. The Committee requests that more information be provided on the implementation of the national action plan in the State party's next report.

253. The Committee urges the Government of Bulgaria to appoint an ombudsperson, in accordance with the current proposal before Parliament. The Committee further urges the Government to ensure that sufficient resources be allocated to enable the office to function effectively. The ombudsperson should also be provided with a clear mandate to address gender issues.

254. The Committee strongly recommends that temporary, special measures, in accordance with paragraph 1 of article 4 of the Convention, be adopted in all necessary areas, particularly in the areas of employment and political decision-making, to accelerate the de facto situation of equality for women in Bulgaria. The Committee suggests that the Government give further consideration to the nature and role of affirmative action. Experts of the Committee could be called upon to provide further information and assistance to the Government in that respect.

255. The Committee recommends that legislative measures protecting women against all forms of violence, both public and private, be strengthened. In particular, provision should be made for the prosecution of offenders even in the absence of a complaint by the victim. The Committee urges the Government to develop an array of medical, psychological and other measures to assist women victims of violence and to change prevailing attitudes to domestic violence, which view it as a private problem, and to encourage women to seek redress. A range of strategies are available, including the utilization of popular music, theatre and so on, with the cooperation of civil society, including women's organizations. The Committee requests that the Government of Bulgaria include information on steps taken to address domestic violence in its next report.

256. The Committee encourages Bulgaria to implement its intention to cooperate at the regional and international levels with regard to the problem of trafficking in women and their exploitation through prostitution. The Committee suggests that in order to tackle the problem of trafficking in women, it is essential to address women's economic vulnerability, which is the root cause of the problem. In addition, national legislation should be reviewed and amended in accordance with the Convention, effective administrative and police

structures need to be created, media sensitization and training campaigns conducted and the work of women's non-governmental organizations in this area promoted. The Committee also requests that the Government of Bulgaria include in its next report yearly data on the number of women trafficked into Bulgaria and the number of those women who have been returned to their countries of origin, as well as the number of women trafficked out of Bulgaria to other countries and the number of people engaged in trafficking who have been arrested, prosecuted and sentenced.

257. The Committee recommends that the Govenrment of Bulgaria develop appropriate measures to address poverty amongst women, particularly the most vulnerable women, including elderly women, women with children and women with disabilities.

258. The Committee urges the Government of Bulgaria to undertake efforts to collect statistical information on the social, economic and political status of women of different ethnic minorities and to ensure that such data is available to the Committee in the next periodic report.

259. The Committee recommends that special measures be taken to encourage women to become entrepreneurs. Training should be provided and measures taken to facilitate access to credit and loans for women, in particular rural women. The Committee requests that the next report provide detailed information on the involvement of women in economic operations, including information about discriminatory practices against women in employment and measures taken to counteract such practices.

260. The Committee urges the Government to facilitate consultations between Bulgarian women's non-governmental organizations and other European women's non-governmental organizations, in order to discuss Bulgarian women's issues and receive any necessary assistance.

261. The Committee requests the wide dissemination in Bulgaria of the present concluding comments in order to make the people of Bulgaria, and particularly its Government administrators and politicians aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government of Bulgaria to continue to disseminate widely, in particular to women's and human rights organizations, the Conventions, the Committee's general recommendations and the Beijing Declaration and Platform for Action.

Indonesia

262. The Committee considered the combined second and third periodic reports of Indonesia (CEDAW/C/IDN/2-3) at its 377th meeting, on 2 February 1998 (see CEDAW/C/SR.377).

263. In introducing the reports, the representative stated that in terms of Indonesia's State ideology, the *Pancasila*, and the 1945 constitution, as well as the Basic Guidelines of State Policy of 1978, women's right to equality was explicitly guaranteed. However, the de facto situation is that women remain unequal to men in terms of rights and opportunities because of a combination of traditional and cultural practices and certain laws that are contrary to the spirit, if not the letter, of the principle of equality. The view that the man is the head of the family and the woman the manager of the household reflects this.

264. The Government of Indonesia established a national machinery in 1978, well before its ratification of the Convention in 1984. In its current form, the national machinery consists of a State Ministry for the Role of Women, which operates at both the national and provincial levels and has responsibility for policy formulation, coordination, consultation, advocacy, monitoring and evaluation of the status and of the role of women in development.

265. The representative reported that in 1994 the State Ministry had established a Planning and Foreign Affairs Unit to enhance its coordinating and advocacy capacity. Its research and outreach work was being facilitated through the establishment of women's studies centres at institutions of higher learning. Also, as a first step in engendering the national development plan, the Government had developed a profile of the status and role of women in all sectors of development. The representative noted that in spite of that progress the national machinery was still underresourced, both financially and in terms of human resources.

266. As a follow-up to the Beijing Conference, the Government had launched a national movement - the Outlook of Harmonious Gender Partnership between Men and Women in the Family, Society and Development - with a view to inculcating values of equality in the citizenry. It had also translated the Platform for Action and the Convention into local languages. However, the representative reported that the particular focus of the Government was on the four core areas of poverty eradication, education, health and empowerment.

267. In the sphere of political decision-making, the representative noted that even though there were no legal

barriers to women's participation, it remained low because of traditional attitudes. The Government intended to address the situation through consultation with different sectoral ministries, institutions, non-governmental organizations and political parties.

268. Indonesia did not yet have specific laws and regulations relating to trafficking in women, but it was proposing to undertake the rehabilitation of women victims. Likewise, it was also proposing to deal with the specific issues of women's human rights within the general context of human rights violations through the newly established independent National Commission on Human Rights. There was no specific framework for dealing with violence against women. Prostitution was formally banned by the Government, but since its practice through the ages had proved very difficult to eradicate, the Government of Indonesia had taken steps to localize prostitution, that is, to leave the practice only within specifically authorized areas. The Government was also making efforts to rehabilitate women involved in prostitution.

269. Indonesia was a source of considerable migrant labour for her neighbours and the Middle East. The majority of those workers were women, mostly from rural backgrounds. They tended to face problems, including violation of rights, such as torture and rape. The Government had established a computerized system to monitor the mobility of women overseas and was intensifying the pre-departure training of women.

270. The representative stated that Indonesia would be taking concrete measures to revise gender-discriminatory legislation, to ratify United Nations human rights treaties and to sensitize the courts with regard to sexual offenders. Equal rights to inheritance between women and men had been established in a Supreme Court judgement in 1960 and polygamy had been outlawed. However, the prevalence of socio-cultural values and traditional norms reduce the impact of the legal framework.

271. The representative reported that the current economic crisis affects both women and men, although the Government has taken measures at both the central and regional levels to provide for equal access to employment for disadvantaged women, in addition to existing efforts to encourage entrepreneurship and access to resources such as land and credit.

272. Finally, the Government intends to pursue its commitment to the advancement of women on different fronts and has set itself goals and deadlines, including the reduction of the maternal mortality rate by the end of 2018 and the near eradication of illiteracy by 1999. The Government intends to enhance the status and role of women in development as it seeks to achieve a just and prosperous society.

Concluding comments of the Committee

Introduction

273. The Committee notes with satisfaction the combined second and third periodic reports of Indonesia, which are frank, detailed and demonstrate a desire to move the women's agenda forward.

274. Nonetheless, the Committee expresses disappointment that change has not taken place as fast as it should have in Indonesia and that many of the problems that have been identified during consideration of the State party's initial report remain unresolved.

275. The Committee appreciates the Government's efforts to address the large number of questions posed by the pre-session working group. The additional information provided by the delegation in the oral presentation raises a series of further questions.

Positive aspects

276. The Committee notes with satisfaction that the Convention forms part of the domestic law of Indonesia and has been cited before courts in discrimination cases.

277. The Committee is pleased to learn that the Indonesian Government has addressed the implementation of the Beijing Platform for Action through the introduction of an Indonesian National Action Plan.

278. The Committee expresses approval of the fact that Indonesia has established a Ministry for Women in the 1970s, even before its ratification of the Convention. The creation of women's studies centres is also considered to be a significant achievement by the Government.

279. The Committee is pleased to note the role of women's non-governmental organizations in Indonesia, which have a history of strong and effective action.

280. The Committee recognizes the success of the Government's family planning programme. The Committee views this as an example of the Government's ability to take highly effective steps to improve the situation of women. However, some concern is expressed that the focus of the programme is so predominantly upon women, and Committee members emphasize the need also to take into account men's responsibility for family planning.

Factors and difficulties affecting the implementation of the Convention

281. The Committee notes the current economic crisis in Indonesia and urges the Government not to allow it to become a justification for failing to implement the Convention.

282. The Committee is convinced that the existence of cultural attitudes that confine women to the roles of mothers and housewives presents a great obstacle to the advancement of women. Policies and programmes developed on the basis of those stereotypes limit women's participation and entitlements, thereby impeding implementation of the Convention. The Committee expresses the view that cultural and religious values cannot be allowed to undermine the universality of women's rights. It also stated its belief that culture is not a static concept and that the core values in Indonesian society are not inconsistent with the advancement of women.

283. The Committee notes Indonesia's failure to collect data on certain issues that are crucial to the well-being of women, such as the prevalence of violence against women. Without such data, neither the Government nor the Committee can accurately monitor the situation of women's equality in Indonesia and the Committee could not offer recommendations as to what measures might be taken to combat the problem.

Principal areas of concern

284. The Committee is very concerned at the existence of laws that are not in accordance with the provisions of the Convention. It notes that discrimination against women exists in laws regarding:

(a) Family and marriage, including polygamy; age for marriage; divorce and the requirement that a wife obtain her husband's consent for a passport;

(b) Economic rights, including ownership and inheritance of land; access to loans and credits; entitlement to social, health and other benefits in the labour sector and the requirement that a wife obtain her husband's consent for night employment;

(c) Health, including the requirement that the wife obtain her husband's consent with regard to sterilization or abortion, even when her life is in danger.

285. The Committee also expresses concern that there is no clear definition of discrimination modelled on article 1 of the Convention in the constitution or other national laws.

286. The Committee is pleased to note the eradication of discrimination at the *de jure* level in a number of areas, including inheritance, but it remains concerned about how equal the situation actually is in practice and how many women benefit from the application of civil law.

287. The Committee was informed that Muslims may choose whether Islamic or civil law is to be applied to them. However, the Committee is concerned as to who decides this issue, and to what extent Muslim women are able to choose to have civil law applied to their affairs rather than Islamic law.

288. The Committee expresses concern that marriages between partners of different religions are prohibited de facto in certain regions of Indonesia.

289. The Committee expresses great concern about existing social, religious and cultural norms that recognize men as the head of the family and breadwinner and confine women to the roles of mother and wife, which are reflected in various laws, Government policies and guidelines. It is unclear what steps the Government is proposing to take to modify such attitudes, which present a serious obstacle to the advancement of women in Indonesia. Traditional gender stereotypes are also perpetuated in formal education; and textbooks have not been revised to eliminate such stereotypes.

290. The Committee expresses concern that the full implementation of the Indonesian national plan of action, which represents Indonesia's follow-up to its commitments at the Fourth World Conference on Women, might be impeded by prevailing religious and cultural norms that constitute the backdrop to Indonesia's legal and policy efforts towards women's equality.

291. The Committee is concerned about women's low rates of participation in education, as well as the high level of illiteracy among women, especially in the rural areas. It notes that education is a basic human right and that while the State has made some efforts to facilitate the education of poor but gifted children, the Committee remains concerned about the access to education of all children, including those from minority groups.

292. The Committee is concerned that the information provided demonstrates that women are still employed in lower-paid and lower-skilled work. It notes with concern that the predominant view appears to be that married women might provide supplemental income for a family, but that there is very little emphasis on the right of women to develop a career of their own.

293. The Committee is seriously concerned about the lack of adequate laws to address violence against women, as well as the lack of systematic sex disagreggated data collection and documentation on the extent, forms and prevalence of violence against women in Indonesia.

294. The Committee is gravely concerned about information it has received with regard to violations of women's human rights in East Timor.

295. The Committee is concerned that the information provided on the situation of women in areas of armed conflict reflects a limited understanding of the problem. The Government's remarks are confined to the participation of women in the armed forces and do not address the vulnerability of women to sexual exploitation in conflict situations, as well as a range of other human rights abuses affecting women in such contexts.

296. The Committee notes the information on the situation of migrant women, which has been presented in the form of a supplement to the report. However, the Committee remains concerned that this does not include discussion of reports of the death as a result of mistreatment and abuses of Indonesian migrant women abroad, as well as cases of trafficking for the purposes of prostitution. It is concerned that the Government lacks the mechanisms to respond to abuses of Indonesian women abroad.

297. The Committee is gravely concerned about reported cases of coercion in the course of the implementation of the family planning programme. The Committee points out that such coercion contravenes the Government's obligations under the Convention to ensure women's reproductive rights to freedom of choice and informed consent with respect to methods of family planning.

298. The Committee is concerned that limited information has been provided on the problem of HIV/AIDS. There is no data on the extent of the problem, rates of increase or any sex-disaggregated data. The Committee is particularly concerned that the problem of HIV/AIDS is being attributed to women in prostitution. Concern is also expressed about programmes designed to "clean the city streets" of prostitutes whenever there is a major international event in Jakarta. Information provided to the Committee by other sources suggests that women taken off the streets have been subjected to forced vaginal examinations.

299. The Committee is seriously concerned about the extent of unemployment amongst women, particularly those from female-headed households, in the light of the current economic crisis. It is also concerned about wage disparities between female and male workers, job-segregation in the workforce, with women disproportionately occupying low-skilled and low-paying jobs, as well as women's unequal access to social security, employment and health benefits.

300. The Committee is concerned that not enough is being done to address the issue of prostitution and trafficking in women as envisaged in article 6 of the Convention. It is also concerned that not enough is being done to assist these women through socio-economic and health programmes and that preventive measures and re-socialization efforts are aimed principally at prostitutes and do not address male clients.

Suggestions and recommendations

301. The Committee recommends that, in its next report, the Government of Indonesia fully describe the results of all measures to implement the Beijing Platform for Action as described in the Indonesian National Plan of Action and the "Outlook of Harmonious Gender Partnership between Men and Women in Development". The Committee also recommends that the Indonesian Government take account of the Committee's remarks on religious and cultural values and their effect on the implementation of these initiatives.

302. The Committee recommends that the Government take appropriate measures to mitigate the negative impact that the current economic crisis may have on women in Indonesia, particularly in the areas of education, health and employment.

303. The Committee urges the Government to collect, as a matter of priority, data on the extent, causes and consequences of the problem of violence against women in Indonesia. The Committee also emphasizes the need for the gender sensitization of authorities, including the judiciary, law enforcement officers, lawyers, social workers, health professionals or others who are directly involved in combating violence against women.

304. The Committee recommends that the Government give priority to hastening the pace of progress on women's issues in Indonesia. The Committee urges the Government to take stronger measures to address the contradiction that currently exists between the Government's stated commitment to the principles contained in the Convention and the actual situation facing women in Indonesia.

305. The Committee recommends that in Indonesia's fourth periodic report efforts be made to consolidate the written replies with other parts of the presentation, to avoid overlap and to enable the Committee to spend more time in dialogue with the State party. The Committee also requests that the

report pay particular attention to the priority areas identified in the questions of the Committee.

306. The Committee requests that in its next report, the Government of Indonesia provide information about government-supported women's studies programmes and centres. The Committee also requests information on Government efforts to revise textbooks to reflect values of gender equality.

307. The Committee urges the Government to take immediate steps to eradicate the practice of polygamy in Indonesia and to change the other discriminatory laws identified by the Committee in paragraph 284 above.

308. The Committee recommends that the Government take steps to ensure that women in Indonesia have the right to free choice of spouse as provided for in article 16 (b) of the Convention.

309. The Committee recommends that appropriate measures be taken to ensure that women in East Timor are not subject to violations of their human rights.

310. The Committee recommends that the Government address the issue of trafficking in women and prostitution, in accordance with article 6 of the Convention, and establish, *inter alia*, socio-economic and health programmes to assist women in this context.

311. The Committee requests the wide dissemination in Indonesia of the present concluding comments in order to make the people of Indonesia, and particularly its government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. It also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.

3. Combined second, third and fourth periodic reports

Dominican Republic

312. The Committee considered the second, third and fourth periodic reports of the Dominican Republic (CEDAW/C/DOM/2-3 and CEDAW/C/DOM/4) at its 379th and 380th meetings, on 3 February 1998 (see CEDAW/C/SR.379 and 380).

313. In introducing the reports, the representative of the Dominican Republic noted that, since its ratification by the Government in 1982, the Convention on the Elimination of All Forms of Discrimination against Women had been an instrument for Dominican women to overcome their subordination and to change the patriarchal order.

314. Referring in particular to the fourth periodic report, the representative described it as an instrument of self-assessment and stocktaking. It provided an opportunity for assessing developments that had occurred in various governmental and societal sectors, but also for identifying obstacles and areas for further change.

315. Among progress achieved in the legal sphere, the representative noted in particular the adoption of a law against domestic violence (*Ley contra la Violencia Intrafamilial*). She referred to the Government's ongoing efforts to put in place practical measures to ensure compliance with the new law, such as awareness and information campaigns, training for law-enforcement officers and the creation of special units to handle violence complaints.

316. Other legal measures included the adoption of an education bill establishing the principle of equality of opportunity between the sexes, the revision of the electoral law establishing a quota of 25 per cent for women candidates in municipal and congressional elections and the revision of the agrarian reform law. The representative also noted that there was widespread support, especially among the women's movement, for further legal reform aimed at the elimination of discriminatory provisions particularly in the civil code, and for the inclusion of the principle of equality in the constitution.

317. The representative pointed to the creation of several mechanisms to ensure implementation of the legal and normative framework for women. She noted in particular the strengthening of the Dirección General de Promoción de la Mujer through a substantial increase in human and financial resources, combined with a commitment in principle to elevate the Directorate to a secretariat of state or ministry for women's affairs. She also pointed to the establishment of an intersectoral committee for the follow-up to, and implementation of, the Beijing Declaration and Platform for Action.

318. While there had been progress in women's political and social participation, this was an area where further progress was needed. Most notably, 31 per cent of the judges of the Supreme Court of Justice were women. There had also been an increase in women in the Foreign Service. While important changes had also taken place in the areas of education for women, especially in terms of their access to

all levels of education, sexism persisted in the professional sphere.

319. The representative informed the Committee that the economic situation of the country since the early 1990s was characterized by macroeconomic control and stabilization efforts. Poverty remained the major challenge and its eradication was a priority objective for the Government. Since poverty affected women in particular ways and limited their economic participation and access to services, specific projects for women, in particular women heads of households, formed part of the Government's poverty eradication efforts.

320. The representative concluded that the new Government, which had been installed in mid-1996, had embarked on a policy of reform and modernization. While the impact of reform on the situation of women could not yet be evaluated, she noted that the Dirección General de Promoción de la Mujer and the national women's movement remained committed to ensuring that a gender approach was reflected in those reforms. The Convention would provide continuing guidance into the next millennium on measures to improve the status of women.

Concluding comments of the Committee

Introduction

321. The Committee commends the Government for the preparation of a new report in late 1997, i.e., the fourth periodic report, which is considered together with its second and third periodic report submitted in 1993. It welcomes it as a well-structured report that provides frank and clear information on the situation of women in the Dominican Republic. Together with the exhaustive replies provided to the Committee's numerous questions, the presentation gives a comprehensive view of the efforts undertaken by the new Government. This is indicative of the political will of the Government to carry out its commitments under international human rights law, and especially its desire to achieve full compliance with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women.

322. The Committee expresses its appreciation to the Government of the Dominican Republic for its large and high-level delegation headed by the Minister for Women's Affairs, which has enabled the Committee to obtain a realistic picture of progress made and of challenges ahead in the achievement of the equal rights of women.

Positive aspects

323. The Committee welcomes the fact that the Government, while undergoing a period of change, reform and modernization after the last election in 1996, has made great efforts to ensure the systematic inclusion of a gender perspective in its new policies and programmes. The catalytic role of the Dirección General de Promoción de la Mujer and of the women's movement in this regard are particularly noted.

324. The Committee welcomes the many important initiatives and measures which have been undertaken in different areas by the Dirección General in a short period of time and commends it for its ongoing work on a number of legislative drafts aimed at repealing or revising discriminatory laws and provisions.

325. The Committee notes with appreciation the adoption of several new laws and legal revisions to bring the domestic situation into greater conformity with the Convention. In particular, the Committee applauds the adoption, in 1997, of the law against domestic violence following the country's ratification, in 1995, of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará). The Committee furthermore commends the Government on the holistic and integrated approach it is taking to address the issue of violence against women, which includes legislative measures, public awareness campaigns, training and sensitization measures for law-enforcement officials and the judiciary, and the establishment of special units to handle domestic violence complaints.

326. The Committee notes with satisfaction the revision of the agrarian reform law giving women the right to inherit land, a reform of particular importance to rural women. Changes in the Education Law were commended, as is the establishment, in the Electoral Law, of a 25 per cent quota for women candidates in municipal and congressional elections. The Committee also notes women's above-average representation in secondary and higher education. While illiteracy continues to be a concern, the rate of female illiteracy is lower than that of males, which is an exception when compared to the situation of illiteracy in most other countries.

327. The Committee commends the Government for devoting a special section in the fourth periodic report to women heads of households, thus showing its sensitivity to the particular constraints and vulnerabilities faced by this group of women, which makes up one fourth of all Dominican households.

328. The Committee commends the role of non-governmental organizations and of the women's movement in awareness-raising and in lobbying lawmakers and the Government to focus on women's issues, and their active work in providing services to women.

329. The Committee notes with satisfaction the establishment of a governmental mechanism to follow up and implement the commitments of the Platform for Action.

Factors and difficulties affecting the implementation of the Convention

330. The Committee notes the persistence of a high poverty level and of situations of extreme poverty, with 57 per cent of the Dominican population living below the poverty line. As women are most affected by poverty, which is aggravated by discrimination and inequality, this constitutes a serious obstacle to the full implementation of the Convention in the Dominican Republic.

331. Although the Dominican Republic is a secular State, the Committee notes the absence, in practice, of a clear separation of Church and State. The Committee considers such an intermingling of the secular and religious spheres as a serious impediment to full implementation of the Convention.

Principal areas of concern

332. The Committee expresses concern that, notwithstanding legislative achievements, discriminatory provisions continue to exist, including in the civil code, the nationality law and marriage and family laws, especially in areas such as the administration of marital property. Discriminatory provisions regarding unmarried women, as well as single mothers, persist in social security provisions and in land inheritance rights under the agrarian reform law. The Committee notes with concern the continuing absence of the principle of equality from the country's constitution.

333. The Committee expresses deep concern about the economic consequences of women's poverty. Women's migration to urban areas and to foreign countries render them susceptible to sexual exploitation, including trafficking and sex tourism, and prostitution. The lack of creation of jobs for women in growth sectors, including in the tourism industry, contributes to the high percentage of women migrating abroad in search of work. The Committee is concerned that notwithstanding the high level of poverty among women, and especially of women-headed households, no affirmative action measures are being taken to support women's efforts to break the cycle of poverty.

334. The Committee expresses concern about the rigid social codes adhered to in the country and the persistence of machismo, which is reflected in areas such as women's low participation in public life and decision-making, in the stereotypical portrayal of women's role in the family, social life and a segregated labour market. Emphasizing that legal measures alone are not sufficient, the Committee notes the failure of the Government to undertake comprehensive and systematic public awareness and information campaigns to change stereotypical attitudes that are detrimental to women's equality.

335. The Committee expresses concern that, while close ties exist between the Dirección General de Promoción de la Mujer and women's groups, insufficient cooperation and networking has been established between the Dirección General and women in decision-making in all areas of political, economic and social life.

336. The Committee is deeply concerned about the situation of women workers. While the high percentage of women employed in free-trade zones is laudable, because it gives them a financial footing, women workers suffer considerable discrimination in income and benefits. The Committee notes with concern the absence of efforts by the Government to ensure and enforce compliance with wage, benefits and workers' safety laws, including compliance with International Labour Organization (ILO) Conventions. Women's overall high unemployment rate, the particularly insecure situation of domestic workers and of single mothers are also of concern to the Committee. The Committee is further concerned that women often have higher levels of education than men but are paid less than men for work of equal value.

337. The Committee expresses deep concern with respect to the high rate of maternal mortality which is caused, as is noted in the report, by toxaemia, haemorrhages during childbirth and clandestine abortions; the Committee also notes that toxaemia may be caused by induced abortions. The high rate of maternal mortality, in conjunction with the fact that abortions in the Dominican Republic are absolutely and under all circumstances illegal, cause very great concern to the Committee and draws attention to the implications of the situation for women's enjoyment of the right to life.

Suggestions and recommendations

338. The Committee encourages the Government to ensure that the implementation of all provisions of the Convention proceeds without obstacles and requests the Government to include in its next report detailed information on the practical implementation of the Convention, emphasizing

the impact of policies and programmes aimed at achieving women's equality.

339. The Committee urges the Government to provide the Dirección General with the necessary authority and with adequate human and financial resources to implement special programmes for women, to influence all governmental decision-making and to ensure that a gender perspective is consistently applied in all Government policies and programmes.

340. The Committee encourages the Dirección General, using the model of the Honorary Committee of Women Advisers to the Senate, to intensify cooperation with other sectors and entities of civil, political and economic life, so as to ensure more systematic attention to gender issues in these areas.

341. The Committee urges the Government to make women a priority in its poverty eradication strategy. Particular emphasis should be placed on the mainstreaming of a gender perspective in all poverty eradication efforts and measures should be taken to ensure to women the enjoyment of their rights in such efforts.

342. The Committee recommends that the Government continue its efforts to mainstream a gender perspective in all its reforms. It also suggests that the Government identify priority areas for targeted actions for women. The reduction and elimination of illiteracy, the creation of jobs and the implementation of labour legislation and reforms are suggested for such priority attention.

343. The Committee encourages the Government to continue to give attention to women heads of households and to conduct further research into their situation with a view to developing sound and effective policies on strengthening their socio-economic situation and the prevention of poverty and to ensure that needed services and support are provided to such households.

344. The Committee urges the Government to improve the collection and use of data disaggregated by sex, so that the strong factual basis for the picture of the de facto situation of women in all areas covered by the Convention may be maintained and measures targeted more carefully to specific groups. Areas related to women's health, work, employment, wages and benefits, to the types and incidence of violence against women and the impact of measures against violence against women should receive particular emphasis. Data should also be disaggregated by age, and by other criteria such as urban/rural.

345. The Committee urges the Government to continue its integrated approach to the elimination and prevention of violence against women. In particular, the collection of data and information on the incidence and types of violence against women should be improved and attention should be given to so-called crimes of passion, their frequency and the response of law enforcement.

346. The Committee strongly urges the Government to pursue bilateral agreements and to cooperate in multilateral efforts to reduce and eradicate traffic in women, to protect women migrant workers, such as domestic workers, from exploitation, including sexual exploitation. Such agreements should be concluded, in particular with those countries that are a primary destination for Dominican women workers. Public information campaigns aimed at particularly vulnerable groups of women should also be conducted to alert them to potential dangers when seeking work overseas.

347. The Committee invites the Government to conduct regular assessments of the impact of the 25 per cent quota regulation contained in the electoral law to ensure the full implementation of the law and the achievement of higher percentages of women in decision-making.

348. The Committee urges the Government to strengthen vocational and technical training and career counselling for young women and to increase its information activities regarding non-traditional jobs for women in order to reduce job segregation patterns and the wage gap between women and men.

349. The Committee invites the Government to strengthen educational programmes for all, both girls and boys, on sexual and reproductive health, on combating the spread of HIV/AIDS and on family planning. It also invites the Government to review legislation in the area of women's reproductive and sexual health, in particular with regard to abortion, in order to give full compliance to articles 10 and 12 of the Convention.

350. The Committee encourages the Government to give full attention to the needs of rural women and to ensure an active and participatory role for rural women in the design, implementation and monitoring of all policies and programmes that are intended to benefit them, including in areas such as access to health and social services, income-generation projects and housing. The Government should also consider the establishment of special banks and of improved access to credit for rural women.

351. The Committee urges the Government to take steps to ensure the de facto separation of the secular and religious spheres, with a view to ensuring the full implementation of the Convention.

352. The Committee urges the Government to continue its law reform efforts aimed at the elimination of all remaining discriminatory laws and provisions. Laws such as the civil code, the nationality law and the labour law should be targeted for priority action to bring them into full conformity with the Convention.

353. The Committee requests the wide dissemination in the Dominican Republic of the present concluding comments in order to make the people of the Dominican Republic, and particularly its government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. The Committee also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.

4. Combined third and fourth periodic reports

Mexico

354. The Committee considered the combined third and fourth periodic reports of Mexico (CEDAW/C/MEX/3-4 and Add.1) at its 376th and 377th meetings, on 30 January 1998 (see CEDAW/C/SR.376 and 377).

355. Introducing the report, the representative stated that the Mexican constitution guaranteed equal rights for women and men. Furthermore, the constitution explicitly mentioned women's equal rights in the areas of education, family planning, nationality, employment, wages and political participation.

356. In order to implement the commitments made at the Fourth World Conference on Women in Beijing, Mexico had established a national machinery for the advancement of women, under the Ministry of the Interior, which was in charge of putting into practice the National Programme for Women: Alliance for Equality, the document containing Mexico's strategies for the implementation of the Beijing Platform for Action. The Executive Coordination Office of the national programme for women was responsible for bringing together and coordinating inter-agency activities, which would allow the full implementation of the National Programme for Women and other governmental programmes. Thus, the Consultative Council and the Social Comptroller were integrated as organs for counselling, following up and surveying the programme. These two bodies were integrated by women belonging to different sectors of society.

357. The Government of Mexico had taken steps to conform its national policies with international agreements on the status of women. In January 1994, the Ministry of Foreign Affairs had established a coordination unit for international women's issues that monitored the implementation of international agreements. Furthermore, the National Human Rights Commission analysed whether the Mexican law complies with international agreements on women's and children's rights and proposed amendments thereon to the current law.

358. The representative reported that Mexico had established quotas to promote the participation of women in political decision-making. The federal election legislation called on political parties to establish a limit of participation of candidates of the same gender. Subsequently, two main political parties had established quotas to ensure that at least 30 per cent of their candidates were women and one had established a preferential option to select women.

359. Mexico had enacted special laws and reformed the civil and criminal code for the Federal District in order to combat and punish domestic violence. Furthermore, consultations had started at the local level to reform the civil and criminal codes of the majority of the States of Mexico with regard to violence against women. In addition, special programmes had been launched to support women victims of violence.

360. Girls and women were under-represented in higher education; however, their enrolment has increased in recent years. The rate of illiteracy in Mexico was declining but remained high among older women and rural and indigenous women. This had led to the establishment of compensatory programmes aimed at overcoming the educational backwardness in rural and indigenous communities, which were in a state of extreme poverty or were isolated and lacked access to normal educational services. The National Institute of Adult Education addressed its action to a population comprised mainly of women and also offered non-formal employment training services. The National Educational Promotion Council operated in settlements with less than 150 inhabitants with the objective of establishing schools in the communities themselves.

361. The representative stated that women in the paid labour force had to cope with the double burden of work and family responsibilities and tended to be concentrated in the lower paid professions. The Mexican Government paid special attention to the need to train women under the Training

Fellowships for Unemployed Workers Programme of the Ministry of Labour.

362. Maternal mortality had declined significantly, owing to awareness-raising and training campaigns. Furthermore, the increased use of contraceptives had led to a decline in fertility. In order to make health care more responsive to women's needs, the Ministry of Health had launched a programme to incorporate gender in all activities of its policy and programmes. Health policies and programmes have also been implemented in order to decrease and prevent the occurrence of cervix-uterine and breast cancer.

363. Households headed by women were most vulnerable to poverty. In order to combat poverty, the Mexican Government had been implementing the Food, Health and Education Programme, established in 1997. The Programme was establishing a series of affirmative measures in favour of the female population, after recognizing the disadvantages faced by women and girls in terms of food, education and health. The Government also provided microcredits to women and supported women entrepreneurs.

364. The situation of rural women in Mexico was very diverse, depending on their ethnic origin and the region. However, women in rural areas generally had less access to education and health care. The national machinery had launched policies and programmes to improve the situation of women in rural areas, such as the conformation of a rural women national network, in order to link governmental organizations, with the goal of promoting integral development.

365. The representative concluded by stating that Mexican women had advanced significantly in recent years, but still faced many obstacles to the full enjoyment of their rights. She underlined the commitment of the Mexican Government to continue to design policies aimed at granting women and girls equal treatment and opportunities. She also recognized that the most profound changes were born in the deepest values and attitudes of society, which could only be achieved through processes that demanded time and a strong political will.

Concluding comments

Introduction

366. The Committee expresses its appreciation for the third and fourth reports submitted by the Government of Mexico, which reflect the current state of compliance with the Convention in Mexico and the programmes established and actions taken to improve the status of women.

367. The Committee points out that the significance attached by the Mexican Government to the Convention has also been illustrated by the high level of the delegation representing the State party at the session.

368. The Committee thanks the Government of Mexico for its oral report, as well as its replies to the Committee's questions and its representative's statement, translated into both French and English.

369. The Committee expresses its thanks for the Mexican Government's exhaustive and specific replies to all the questions asked and for the updated information provided in the statement of the representative of the Government of Mexico.

370. The Committee congratulates the Government of Mexico for the achievements made since the last report in terms of both legislative reform and real progress in improving the status of women.

371. The Committee thanks the representative of Mexico for the transparency with which she discussed the socio-economic and political situation of women in her country and her Government's efforts to implement the Convention and for her objective and analytical presentation of the obstacles to the advancement of women in Mexico.

372. The Committee notes that the Mexican Government's report and its replies to the Committee's questions offer valuable, comprehensive information on the various programmes implemented and planned by the Government of Mexico. The Committee considers the specific information provided on the situation of indigenous women in Chiapas to be extremely important.

Positive aspects

373. The Committee expresses its satisfaction at the Mexican Government's efforts to implement the Convention through many programmes, either in progress or planned, for the advancement of Mexican women and commends the legal framework established for implementing the Convention. The Committee stresses that the Mexican Government has adopted the Platform for Action without reservations and has introduced a national action programme to implement the Platform and for the follow-up of commitments made in Beijing.

374. The Committee notes that the constitution provides guarantees for the protection of women's and men's rights, both as individuals and as groups.

375. The Committee stresses the importance of the establishment of the National Programme for Women:

Alliance for Equality on 8 March 1995, which is a national mechanism to promote activities designed to improve the status of women that was binding on Federal Government offices and parastatal organizations. The Committee notes with satisfaction that the executive coordinator of the National Programme for Women, which coordinates all efforts to improve the status of women, is at the high level of under-secretary of State.

376. The Committee recognizes with satisfaction that the Convention serves as a framework for both the National Programme for Women and the National Human Rights Commission and that the efforts to implement the Convention are implicit in the National Development Plan.

377. The Committee notes with satisfaction that during the period from 1993, important constitutional reforms have been introduced in order to advance the status of Mexican women and implement the Convention and that constitutional reform has been followed by changes in other legislation.

378. The Committee notes with appreciation that pursuant to constitutional reforms, primary and secondary education is now compulsory for women and girls.

379. The Committee observes with satisfaction that the civil, civil procedure and penal codes have been modified in order to facilitate proceedings with regard to violence against women in the family, including marital rape. It also commends the 1996 Federal District law to prevent and assist victims of intrafamilial violence and the fact that Mexico has signed the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Convention of Belém do Pará).

380. The Committee notes with appreciation the recent adoption by the Congress of the Union of an addendum to the Federal Code of Electoral Institutions and Procedures, which states that national political parties should consider providing in their statutes that no more than 70 per cent of the candidates for deputy or senator should be of the same gender.

381. The Committee notes with satisfaction the efforts being made to implement affirmative action programmes in a number of areas, including the Federal Code of Electoral Institutions and Procedures and that these demonstrate a clear understanding of paragraph 1 of article 4 of the Convention.

382. The Committee welcomes the Mexican Government's initiative in establishing an information, documentation and research system on the situation of women, and considers this to be an important tool in designing better policies to promote equality, which would also reflect women's non-remunerative work.

383. The Committee acknowledges with satisfaction the considerable number of women working in the judicial system and that women occupy 19 per cent of high-level judicial posts.

384. The Committee welcomes the reinstitution of the Women, Health and Development Programme in 1995 and the elaboration of the Reproductive Health and Family Planning Programme, 1995-2000, both of which are evidence of the efforts to improve the quality of health care for women in the country.

385. The Committee commends the Government's initiative to encourage women's non-governmental organizations to participate in programmes to implement the Convention.

386. The Committee commends the Mexican Government for objecting to reservations lodged by some States parties to the Convention.

Factors and difficulties affecting the implementation of the Convention

387. The Committee notes that, while the Convention is part of the Supreme Law and its implementation is compulsory at the federal level, the specific legislation of a number of Mexican states contains elements that discriminate against women and are not in keeping with the provisions of national legislation and the Convention.

388. The Committee notes that implementation of the Convention is hampered by the fact that Mexico is a territorially vast, multi-ethnic and multicultural developing country with a difficult economic situation that affects the most vulnerable strata of society, and women in particular.

Principal areas of concern

389. The Committee expresses its concern with regard to the discrimination faced by indigenous women, where the health, education and employment indicators are below the national average. It also expresses concern about the situation of rural women living in poverty and in extreme poverty.

390. The Committee expresses concern with regard to the situation of indigenous women and children, particularly in the state of Chiapas since, in conflict zones where the police or armed forces are operating, women are often the innocent victims of violence.

391. The Committee expresses concern with regard to de facto discrimination, referring, in this regard, to the situation

of women workers in factories where, according to information received from various sources, Mexican labour legislation, particularly legislation on the reproductive rights of women workers, is being violated. The Committee also refers to the situation in certain areas where the principle of equal salary for work of equal value is not applied and where women of child-bearing age are subject to mandatory pregnancy tests as a condition of employment.

392. The Committee notes that the report does not describe cases where the Convention has been used to support claims for women's human rights. The Committee is concerned that the absence of such cases is either because women lack awareness of the Convention and its primacy in domestic law or because they lack sufficient resources to access the legal system.

393. The Committee notes that, in spite of the legislative measures Mexico has taken, violence against women, particularly domestic violence, continues to be a serious problem in Mexican society.

394. The Committee notes the high, and unsatisfied, demand for contraceptive methods, particularly among poor urban women, rural women and adolescents. It also notes with concern cases in some localities in which contraceptive methods have been used without women's express consent, which is required under Mexican law.

395. The Committee expresses serious concern at the possible existence of an illicit traffic in women. It notes that if there is trafficking in women, that this is a serious violation of their human rights.

396. The Committee warns that, in the present circumstances, the gender-equality policy in the regular educational system may be affected by the decentralization of education in Mexico.

397. The Committee draws attention to the lack of access to health-care services for children and old people.

398. The Committee considers that the policies to promote equality within the family are insufficient, since stereotyped roles are perpetuated in the family by deeply rooted traditions of men's superiority. In addition, the Committee notes that certain legal provisions might continue to promote inequality and traditional roles within the family.

399. The Committee refers to the high rate of teenage pregnancy and the lack of access for women in all States to easy and swift abortion.

400. The Committee expresses concern at the absence of information about Mexican women who migrated abroad.

Suggestions and recommendations

401. The Committee encourages Mexico to continue to allow women's non-governmental organizations to participate in the implementation of the Convention.

402. The Committee recommends that, despite the structure of the Federal Government, the constitution and the Convention of Belém do Pará should be implemented throughout the country in order to speed up legal change in all states, and requests the Mexican Government to provide, in its next report, information on the measures it has taken in that regard.

403. The Committee recommends that the Mexican Government continue its efforts to reduce poverty among rural women, particularly indigenous women, and to work together with non-governmental organizations, making special efforts to promote education, employment and health programmes conducive to the integration of women into the development process, both as beneficiaries and as protagonists. In view of the relatively high growth levels of the Mexican economy that have been mentioned, the Committee would welcome a more equitable redistribution of wealth among the population.

404. The Committee suggests that Mexico evaluate areas, such as the private sector, that are not covered by affirmative action and, in its next report, submit a consolidated evaluation of all affirmative-action initiatives.

405. The Committee proposes that, in its next report, Mexico should provide more information about existing mechanisms to enable women to seek redress from the courts on the basis of the Convention.

406. The Committee expresses the hope that the Government will continue to monitor compliance with labour laws in the factories and pursue the work of raising awareness among factory employers.

407. The Committee also requests the Ministry of Agrarian Reform to continue its institutional intervention to persuade public land (*ejido*) assemblies to allocate to women the parcels of land to which they are entitled.

408. The Committee recommends that the Government consider the advisability of revising the legislation criminalizing abortion and suggests that it weigh the possibility of authorizing the use of the RU486 contraceptive, which is cheap and easy to use, as soon as it becomes available.

409. The Committee requests that information be given in the next report on the impact of programmes to reduce and prevent teenage pregnancy.

410. The Committee recommends the introduction of training for health personnel with regard to women's human rights, and particularly their right, freely and without coercion, to choose means of contraception.

411. The Committee suggests that the Government continue to work for the adoption of nationwide legislation on all forms of violence against women, including domestic violence, adjusting state laws to national laws.

412. The Committee requests the Government to consider the possibility of implementing an integrated, long-term plan for combating violence. Such a plan could include taking legal action, training judicial, law enforcement and health personnel, informing women about their rights and about the Convention and strengthening victims' services.

413. The Committee recommends that strong action be taken against persons who commit violence against women, and that it should be made easier for women to bring court action against offenders.

414. The Committee recommends that the Government address the matter of whether it intends to legalize prostitution and whether this issue has been subject to public debate in its next report. It strongly recommends that new legislation should not discriminate against prostitutes but should punish pimps and procurers.

415. The Committee recommends that the legal penalties for rape be amended and that the State ensure their implementation. It also recommends rape awareness campaigns be conducted for non-governmental organizations and legislators.

416. The Committee suggests that action be taken against employers who discriminate against women on grounds of pregnancy. The women concerned should be supported, and society sent a clear signal that such discrimination is not to be tolerated.

417. The Committee requests information in the Government's next report on the avenues of appeal open to women who, upon a division of property in divorce, suffer economically despite their contribution to the family's assets.

418. The Committee requests information in the Government's next report on women who migrate abroad, where they go and whether any authorized agency regulates such migration.

419. The Committee requests that the next report provide comparative data on men's and women's access to pensions and the minimum amount of such pensions.

420. The Committee requests information in the next report on whether homosexuality is penalized in the criminal code.

421. The Committee requests information on women heads of rural enterprises and on programmes for the economic advancement of rural women.

422. The Committee recommends the introduction of education programmes on the provisions of the Convention and the rights of women for judicial personnel, law enforcement officers, lawyers and others who are responsible for applying the law. The Committee also recommends that further steps be taken to increase the numbers of women at all levels of the judiciary and law enforcement agencies.

423. The Committee proposes that a campaign be conducted to educate women about the content of the Convention, alerting them to their economic, political, civil and cultural rights.

424. The Committee welcomes the systematic inclusion of statistics in future reports in order to facilitate a dialogue with the Committee on women's de facto situation. In particular, the Committee requests data on the implementation of the information system that is beginning to be applied.

425. The Committee recommends that the Government of Mexico pay special attention to safeguarding the human rights of women, including indigenous women and women in conflict zones, especially where police and armed forces are operating.

426. The Committee recommends that all states of Mexico should review their legislation so that, where necessary, women are granted access to rapid and easy abortion.

427. The Committee requests the wide dissemination in Mexico of the present concluding comments, in order to make the people of Mexico, and particularly its government administrators and politicians, aware of the steps that have been taken to ensure de facto equality for women and the further steps required in this regard. The Committee also requests the Government to continue to disseminate widely, and in particular to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.

Chapter V
Ways and means of expediting the work of the Committee

428. The Committee considered ways and means of expediting the work of the Committee (agenda item 6) at its 360th and 383rd meetings, on 19 January and 6 February 1998.

429. The item was introduced by the Chief of the Women's Rights Unit of the Division for the Advancement of Women, who introduced the report of the Secretariat (CEDAW/C/1998/I/4) and a working paper containing draft rules of procedure (CEDAW/C/1997/WG.I/WP.1).

Action taken by the Committee on the report of Working Group I

430. At its 383rd meeting, on 6 February 1998, the Committee considered the item on the basis of the report of Working Group I (CEDAW/C/1998/WG.I/WP.1).

1. Specialized agencies and other United Nations bodies

431. The Committee decided that its Chairperson should send letters to the specialized agencies and organizations of the United Nations system seeking support for the work of the Committee and identifying members of the Committee who were serving as focal points for the particular agency or organization. The letter would also outline the information the Committee required from those organizations and would request that each nominate an individual member to serve as the focal point for the Committee.

432. The Committee decided to nominate a focal point from among its members to liaise with the Office of the United Nations High Commissioner for Refugees (UNHCR).

433. The Committee agreed that the pre-session working group should make it its usual practice to invite the specialized agencies to present to the Group country-specific information concerning periodic reports. The specialized agencies and other entities would be informed well in advance of this practice, as would the countries to be considered by the pre-session working group. The Committee also agreed that the specialized agencies and other entities should also be invited to address the Committee as a whole in a closed meeting on States parties whose initial reports are to be taken up by the Committee.

2. Institutional relations

434. The Committee agreed that further steps should be taken to establish cooperation between the Committee and the Special Rapporteur on violence against women, its causes and consequences. Reports to be considered by the Committee should be sent to her for comments on violence against women. Although the Committee considered that a model of flexible cooperation should be created between the Committee and the Special Rapporteur, it considered that it might be useful to nominate a focal point from among its members to develop a closer relationship with the Special Rapporteur. The Committee also agreed that the Special Rapporteur should be requested to alert the Committee to questions it might raise with individual States parties whose reports were before the Committee.

435. The Committee agreed that liaison should be established with the Special Rapporteurs of the Commission on Human Rights on the sale of children, child prostitution and child pornography, and on the elimination of all forms of religious intolerance and of discrimination based on religion or belief, and those of the Subcommission on the Prevention of Discrimination and Protection of Minorities on traditional practices affecting the health of women and children, and systematic rape and sexual slavery and forced pregnancy in the conduct of armed conflict.

3. Pre-session working group

436. The Committee agreed to continue its current practice of assigning three members to prepare questions relating to periodic reports to guide the pre-session working group as it draws up the list of questions and issues. The three members should be drawn from different regions. The Committee agreed that the country rapporteur should take the lead in drawing up the list of questions and issues and that her introductory report should be sent to the pre-session working group to assist it in its work. The Committee agreed that country rapporteurs should be nominated at the session prior to that at which reports are to be considered.

437. The Committee agreed that the pre-session working group of the Committee should meet at the end of the previous session to encourage flexibility in the work of the Committee and to allow States parties to present more detailed and comprehensive answers to the Committee's questions. Transition to this pattern of work should take place at the twentieth session of the Committee, in January 1999 (see chap. I, sect. B, suggestion 18/1).

438. The Committee agreed that its Chairperson would invite the World Bank and the International Monetary Fund

to present to the Committee an analysis of the impact of their policies on women's enjoyment of their rights.

4. Consideration of the reports of States parties

439. The Committee agreed that in considering the reports of States parties the Chairperson should be entrusted with the task of expressing courtesies towards the representatives of reporting States on behalf of all members of the Committee. In the interests of time, other members of the Committee would refrain from further expressions of welcome or appreciation. The Committee also agreed that members should endeavour not to repeat questions that had already been posed by other members.

440. The Committee agreed that the Human Rights Committee's "Guidelines for the exercise of functions by members of the Committee" be circulated among members of the Committee on the Elimination of Discrimination against Women for their information and comments, with a view to possible consideration at its nineteenth session.

441. The Committee reaffirmed its past practice that members should refrain from participating in any aspect of the consideration of the reports of the States of which they were nationals in order to maintain the highest standards of impartiality, both in substance and appearance (see chap. I, sect. A, decision 18/III).

5. Human immunodeficiency virus/acquired immunodeficiency syndrome

442. The Committee welcomed the suggestion made at the round table of human rights treaty bodies on "Human Rights approaches to Women's Health with a Focus on Reproductive and Sexual Health Rights", held at Glen Cove, New York, in December 1996, that the 8th meeting of persons chairing the human rights treaty bodies should consider the issue of human immunodeficiency virus/acquired immunodeficiency syndrome. It also noted the suggestion of the chairpersons that each treaty body should address the issue of HIV/AIDS in its work. The Committee had been addressing this issue for a long time and would continue to do so in its constructive dialogue with States parties when reviewing reports, its concluding comments and general recommendations. The Committee recognized the effective contribution of the Glen Cove meeting to the work of the human rights treaty bodies and encouraged the convening of similar meetings to explore thematic issues relating to women's enjoyment of rights.

6. Cooperation with the Committee on the Rights of the Child

443. Noting the successful joint meeting between the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, held at Cairo in 1996, and the recent round table on the two committees held by the United Nations Children's Fund (UNICEF), the Division for the Advancement of Women and International Women's Rights Action Watch, the Committee suggested that steps should be taken to strengthen further the cooperation between the two Committees.

7. Suggestions of the Subcommission on Prevention of Discrimination and Protection of Minorities

444. The Committee expressed its satisfaction at the growing interconnections between United Nations bodies, including between the Committee of the Subcommission on Prevention of Discrimination and Protection of Minorities and the increasing interest within those bodies with regard to the human rights of women. It noted the Subcommission's recommendations with regard to contemporary forms of slavery, which the Committee addresses throughout its work, and its suggestion that this issue should be specifically addressed in its reporting guidelines. The Committee also took note of the suggestions of the Subcommission in regard to women's right to adequate housing and to land and property and agreed to consider the proposals in the context of its long-term programme of work regarding general recommendations.

8. Suggestions of the expert group meetings convened by the Division for the Advancement of Women

445. The Committee expressed its satisfaction that the Convention and the work of the Committee had been referred to in three of the expert group meetings convened by the Division for the Advancement of Women during 1997. It also noted that throughout its work the Committee already considered the extent to which adolescent girls enjoyed their human rights, including their rights to reproductive and sexual health. It noted the suggestions made by the expert group meetings with regard to future general recommendations and agreed to take into account the suggestions that general recommendations should be formulated on refugee and displaced women and on gender-based persecution in armed conflict as it formulated its long-term programme of work with regard to general recommendations.

446. The Committee welcomed the suggestion made by the Expert Group Meeting on Women's Enjoyment of Economic and Social Rights that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women should consider issuing a joint statement on the indivisibility of civil, political, economic, cultural and social rights and the centrality of gender awareness of their rights as part of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights. The Committee suggested that the proposal should be brought to the attention of the chairpersons' meeting in February.

9. Reports to be considered at the nineteenth, twentieth and twenty-first sessions

447. Bearing in mind the criteria of date of submission, geographical balance and reports delayed from earlier sessions, the following reports should be considered:

Nineteenth session

Initial reports

Jordan
Slovakia
South Africa

Second periodic reports

Greece (second and third)
Nigeria (second and third)
Panama (second and third)
United Republic of Tanzania (second and third)

Third periodic reports

New Zealand (third and fourth)
Republic of Korea (third and fourth)

Fourth periodic reports

Peru (third and fourth)

In the event that one of the above-mentioned States parties should be unable to present its report, the Committee will consider the third periodic reports of Belarus or Spain.

Twentieth session

Initial reports

Algeria
Belize (initial and second)
Liechtenstein

Second periodic reports

Chile
Thailand (second and third)

Third periodic reports

Austria (third and fourth)
China (third and fourth)
United Kingdom of Great Britain and Northern Ireland

Fourth periodic reports

Colombia

In the event that one of the above-mentioned States parties should be unable to present its report, the Committee will consider the third periodic reports of Belarus or Spain.

Twenty-first session

Initial reports

Second periodic reports

Ireland (second and third)

Third periodic reports

Egypt
Finland
Germany (second and third)

Fourth periodic reports

Sweden

In the event that one of the above-mentioned States Parties should be unable to present its report, the Committee will consider the fourth periodic report of Denmark.

10. Members of the pre-session working group for the nineteenth session

448. The Committee decided that the members of the pre-session working group for the nineteenth session and their alternates should be:

Member
Ms. Kongit Sinegiorgis (Africa)
Ms. Yung-Chung Kim (Asia)
Ms. Carlota Bustelo (Europe)
Ms. Miriam Estrada (Latin America)

Alternate
Ms. Ahoua Ouedraogo (Africa)
Ms. Lin Shangzen (Asia)
Ms. Ivanka Corti (Europe)
Ms. Aída González (Latin America)

11. United Nations meetings to be attended by the Chairperson or members of the Committee in 1998

449. The Committee recommended that the Chairperson or an alternate should attend the following meetings:

(a) The ninth (extraordinary) meeting of the persons chairing the human rights treaty bodies to be held from 25 to 27 February 1998;

(b) Commission on the Status of Women;

(c) Commission on Human Rights;

(d) Meeting of persons chairing human rights treaty bodies;

(e) General Assembly (Third Committee).

12. Dates of the nineteenth session of the Committee

450. Consistent with the calendar of conferences for 1997, the nineteenth session should be held from 22 June to 10 July 1998, in New York. The pre-session working group would meet from 15 to 19 June 1998.

Chapter VI
Implementation of article 21 of the Convention

451. The Committee considered the implementation of article 21 of the Convention (agenda item 5) at its 360th and 383rd meetings, on 19 January and 6 February 1998.

452. The item was introduced by the Deputy Director of the Division for the Advancement of Women, who presented the following documents:

(a) Draft general recommendation on article 12 of the Convention prepared by a member of the Committee (CEDAW/C/1998/I/WG.II/WP.1);

(b) Working paper containing a draft of the contribution of the Committee to the fiftieth anniversary of the Universal Declaration of Human Rights concerning reservations to the Convention prepared by a member of the Committee (CEDAW/C/1998/WG.II/WP.2);

(c) Note by the Secretary-General on reports of the specialized agencies on the implementation of the Convention in areas falling within the scope of their activities (CEDAW/C/1998/I/3).

A. Action taken by the Committee on the report of Working Group II

453. At its 383rd meeting, on 6 February 1998, the Committee took the following decisions on the basis of the report of Working Group II (CEDAW/1998/WG.II/3 and Adds.1 and 2; CEDAW/C/1998/I/WG.II/WP.4) and took the following action.

1. Draft general recommendation on article 12

454. The Committee agreed to continue work on a draft general recommendation on women's health. Members of the Committee would submit written comments on the current draft, which would be revised by two members of the Committee, in conjunction with the Secretariat, and submitted to the Committee at its nineteenth session.

2. Draft working paper on reservations

455. The Committee agreed that a draft working paper on reservations to the Convention would be circulated to members of the Committee for comments. The draft would be revised by a member of the Committee and submitted to the Committee at its nineteenth session.

B. Statements by senior United Nations officials

Executive Director of the United Nations Population Fund

456. At its 376th meeting, on 30 January 1998, the Executive Director of the United Nations Population Fund addressed the Committee, indicating that women's health, including sexual and reproductive health, is finally acknowledged to be a human right. She noted that women's health depends not only on appropriate health care, but also on social conditions related to women's status. Countries, thus, needed to address discrimination based on gender to guarantee women's right to health.

457. She noted that by drawing out the implications of human rights instruments, including the Convention, the United Nations world conferences had contributed to the identification of sexual and reproductive health concerns as

issues of human rights and inspired countries to broaden their approach to reproductive health care. She indicated that the United Nations Population Fund is now seeking to address its programme activities in the framework of human rights and that training of staff, as well as support to non-governmental organization advocacy activities in the field of reproductive rights, had been initiated.

458. Emphasizing the importance of integrating the conclusions of the United Nations world conferences into the human rights monitoring process, she underlined the importance of the round table on human rights treaty bodies' approaches to women's health, held at Glen Cove in 1996. She noted that an informal inter-agency working group of gender human rights focal points has been meeting to follow up the recommendations of this round table and that a proposal on advocacy, research and training activities has been put forward.

459. She appreciated the pre-session working group's initiative which had provided the United Nations Population Fund with an opportunity to discuss issues relating to women's health in States parties which were before the Committee and she indicated that the Fund was ready to assist other treaty bodies in their monitoring of reproductive rights. She indicated that the Population Fund and the Committee have discussed the participation of Committee experts in the formulation, mid-term review and evaluation of the country programmes of the Fund and in regional meetings and field-staff training.

460. Concluding that the Committee on the Elimination of Discrimination against Women has an essential role in monitoring government fulfilment of obligations with regard to women's health, she suggested that a fitting commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights would be the strengthening of the role of the United Nations system and human rights treaties to enable women to realize their human rights, including those relating to reproductive and sexual rights.

Director of the United Nations Development Fund for Women

461. At its 381st meeting on 4 February 1998, the Director of the United Nations Development Fund for Women addressed the Committee. Emphasizing the central importance of the Committee on the Elimination of Discrimination against Women to the United Nations human rights system and the importance of placing women's human rights at the forefront of the development agenda, she noted that support for the ratification and implementation of the Convention is central to the advancement of the rights of women.

462. She noted that the United Nations Development Fund for Women is in a unique position within the United Nations system to promote ratification and implementation of the Convention because its regional programme advisers are frequently called upon to act as brokers and facilitators between women's organizations, national Governments and other parts of the United Nations system and pledged the full and active support of the Fund in this regard.

463. Recognizing that the transformation of social values and creating a culture of respect for the human rights of women is a lengthy process, and that implementation of these rights must take place at national level, she described several country-based initiatives of the Development Fund concerning the Convention. She also described the joint United Nations Development Fund for Women/International Human Rights Action Watch (Asia/Pacific) training initiative, "From global to local: a convention implementation and monitoring workshop", now in its second year, which seeks to strengthen understanding of women's rights at the national level, as well as to raise awareness of the importance of the Committee's work amongst women's non-governmental organizations, and to increase their participation in Convention monitoring and implementation. She noted that 25 women from 13 countries that are reporting to the Committee on the Elimination of Discrimination against Women at its eighteenth and nineteenth sessions had participated in the 1998 workshop and pledged that UNIFEM would ensure that it took place annually.

United Nations High Commissioner for Human Rights

464. The United Nations High Commissioner for Human Rights addressed the Committee at its 382nd meeting on 4 February 1998. She noted that the full and equal enjoyment by women of all human rights, the integration of human rights into the mainstream of United Nations system-wide action and the full participation of women as both agents and development of development were among the priority objectives of the World Conference on Human Rights. The Secretary-General had also emphasized the importance of human rights in the work of the United Nations system as a whole.

465. She indicated that the human rights of women will be a highlight of commemorative activities for the fiftieth anniversary of the Universal Declaration of Human Rights and commended the Committee for its willingness to

contribute to these activities through its work on reservations. Noting that the commemoration and the five-year implementation review of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights provide opportunities to assess progress achieved with respect to the human rights of women, she acknowledged that women continue to face serious inequalities in law and practice in all spheres of activity, in all societies.

466. She stressed that one of her priorities as United Nations High Commissioner would be the struggle against gender discrimination, which would incorporate several initiatives, including a ratification campaign concerning the Convention and programmes to strengthen partnerships between national and international women's and human rights non-governmental organizations. She drew attention to the increasing cooperation between the Office of the High Commissioner for Human Rights and the Division for the Advancement of Women and the growing recognition of the human rights of women in the work of her office. She emphasized her strong personal commitment to the promotion and protection of the human rights of women and her intention to work closely with the Committee to create a more effective system for implementing its recommendations and those of other treaty bodies.

467. The Committee welcomed Mrs. Robinson's comprehensive statement and expressed sincere gratitude to her for stressing the importance of the Committee's work.

468. It noted that the High Commissioner had expressed strong support for the Secretary-General's programme for reform, in which he pledged that strengthening substantive and technical support to human rights legislative bodies, treaty bodies and special procedures would be given the highest priority and that efforts to establish common data banks of information and to carry out research and analysis aimed at assisting those bodies would be accelerated.

469. The Committee welcomed the High Commissioner's commitment to redouble her efforts to make human rights a reality for everyone; to prevent human rights abuses and violations; to build a global partnership for human rights; and to ensure that the promotion and observance of human rights, along with peace, democracy and sustainable development, shall serve as guiding principles of the twenty-first century, and that the human rights of women will be one of the major highlights of the commemorative activities for the fiftieth anniversary of the Universal Declaration of Human Rights.

470. The High Commissioner's initiative to campaign for the universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women and to encourage the removal of substantive reservations, was noted with appreciation. Her support for the development of an optional protocol to the Convention and her announcement that the Office of the High Commissioner will make available a substantive officer to assist the Working Group of the Commission on the Status of Women with its elaboration of an optional protocol was also welcomed.

471. Members noted with appreciation and accepted the proposal of the chairpersons of the human rights treaty bodies, endorsed by the High Commissioner, that in order to enhance relationships with other human rights mechanisms, the Committee should meet occasionally at Geneva. In order to implement this proposal, the Committee requested the Division for the Advancement of Women, in consultation with the Office of the United Nations High Commissioner for Human Rights, to study this issue and brief in this regard the Committee at its nineteenth session.

472. Members also invited the High Commissioner for Human Rights, as part of her initiative to emphasize the importance of women's human rights in the context of the Convention, to consider including:

(a) A comprehensive public information programme in all regions, particularly in those countries which have problems implementing the Convention fully, and in complying with article 18 of the Convention;

(b) A training programme for gender sensitization of those who must understand and implement the Convention, including police, teachers, the judiciary and health professionals.

C. Presentation by the Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief

473. The Special Rapporteur of the Commission on Human Rights on the elimination of all forms of religious intolerance and of discrimination based on religion or belief addressed the Committee at its 374th meeting on 28 January 1998.

474. He indicated that he was frequently faced with issues concerning the status of women and their position regarding religion. He noted that religious norms relating to women were dynamic and could not be put forward as a justification

for discrimination or reservations to the Convention or other treaties

475. He suressed the role of education in the elimination of discrimination, citing the responsibility of schools and other institutions in this regard. He said that while international legal principles relating to women's advancement were well developed, these principles still needed to be acted on.

476. In their comments on his presentation, experts thanked the Special Rapporteur and noted that it was seeking to strengthen cooperation and coordination among all United Nations mechanisms to promote the rights of women. Several experts stated that violence against women was often linked to religious extremism, which was also sometimes invoked as an excuse for discrimination. Several experts emphasized the connection between the Committee's work and that of the Special Rapporteur and looked forward to further cooperation. Experts also expressed the view that greater religious tolerance and respect for all human rights would create the environment for implementation of the Convention and equality between women and men.

Chapter VII
Provisional agenda for the nineteenth session

477. The Committee considered the provisional agenda for its nineteenth session (agenda item 7) at its 383rd meeting on 6 February 1998. The Committee decided to approve the following provisional agenda:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the eighteenth and nineteenth sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Provisional agenda for the twentieth session.
8. Adoption of the report of the Committee on its nineteenth session.

Chapter VIII
Adoption of the report

478. At its 383rd meeting, on 6 February 1998, the Committee adopted the report on its eighteenth session (CEDAW/C/1998/I/L.1 and Add.1-9), as orally amended.